

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**223****CRM-M No. 31091 of 2023****Date of Decision : 09.11.2023**

Ajay Kumar @ Lalu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Impinder Singh Dhaliwal, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.88 dated 22.04.2022 under Sections 363, 366-A and 120-B of the Indian Penal Code, 1860 (Section 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 were added later on) registered at Police Station City Malout, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner would contend that the daughter of the complainant was never kidnapped and that she went on her own free will with the petitioner with whom she was in a relationship and that she wanted to marry him after attaining the marriageable age. Learned counsel for the petitioner would further contend that the victim in her statement recorded under Section 164 CrPC on 04.05.2022 has not attributed any incriminating role to the petitioner herein. The victim has also refused to get herself medically examined. However, subsequently, she got herself

medically examined at her own level and thereafter her parents approached the District Child Security Officer, Sri Muktsar Sahib. The District Child Security Officer, Sri Muktsar Sahib vide letter dated 11.05.2022 informed that the victim was pregnant. Subsequently, offences under Sections 376 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 were added in the FIR vide DDR No.22 dated 15.05.2022. Learned counsel for the petitioner has further contended that neither the victim nor the complainant have supported the case of the prosecution.

3. Status report by way of affidavit of Sh. Balkar Singh, PPS, Deputy Superintendent of Police, Sub Division Malout, District Sri Muktsar Sahib along with the custody certificate filed by learned State counsel is taken on record. Registry to scan the same and tag at the appropriate place. As per the custody certificate, the petitioner has been in custody for a period of 01 year 06 months and 11 days.

4. I have heard learned counsel for the parties.

5. In the present case neither in her statement recorded under Section 164 CrPC nor in her statement recorded before the Court while appearing as PW1 has the victim supported the case of the prosecution. Even the complainant has not supported the case of the prosecution. There is no medical evidence on the record to support the prosecution case. The petitioner has already been in custody for a period of 01 year 06 months and 11 days.

6. In view of the above and without commenting upon the merits of the case, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his

furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

09.11.2023
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO