

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 205

Criminal Miscellaneous No.M-34593 of 2022

Date of Decision: May 15, 2023

Deepak Kumar @ Bhindi

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

...

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

...

PRESENT: - Mr. Sandeep S. Majithia, Advocate for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

. . .

Tribhuvan Dahiya, J (Oral)

This is a petition for grant of regular bail to the petitioner in case FIR No.0292 dated 24.12.2021, registered under Sections 363 and 366-A (offence under Section 376 IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 added later on vide G.D. No.27 dated 20.01.2022), at Police Station Gate Hakima, District Amritsar.

2. The FIR was lodged on a statement by the victim's mother, alleging that her fourteen years old daughter was found missing from home on 22/23.12.2021. She could not be found and the complainant came to know that a boy living in the neighborhood/petitioner took her away on the pretext of solemnizing marriage.

3. Learned counsel for the petitioner contends that at the time of occurrence, the petitioner was nineteen years of age. He is in custody since 02.01.2022. During trial neither the victim nor her parents have supported the prosecution version. The petitioner has no criminal antecedents.

Singh, opposes the grant of bail on the ground that the victim in her statement under Section 164 Cr.P.C. has levelled specific allegations against the petitioner. He, however, does not dispute the facts submitted by learned counsel for the petitioner. He further contends that four out of fourteen prosecution witnesses have been examined, and the remaining official witnesses will soon be examined.

5. The arguments advanced by learned counsel for the parties have been considered.

6. The petitioner is a young boy having no criminal antecedents. All material witnesses stand examined during trial, and neither the victim nor her parents have supported the prosecution version. Besides, there is no apprehension of the petitioner influencing the remaining witnesses, who were all officials. Trial of the case will take some time to conclude, and no useful purpose will be served by confining the petitioner to custody any longer.

7. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of trial Court/Duty Magistrate concerned.

(Tribhuvan Dahiya)
Judge

May 15, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No