

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

214/2

**CRM-M No.34565 of 2022
Date of Decision : 25.1.2023**

Mankirtan Singh alias Prince alias Malkit Singh
versus

..... Petitioner

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Vipin Mahajan, Advocate, for the petitioner
Mr. Kunal Vinayak, AAG, Punjab assisted by
Mr. K.S. Bal, Advocate, for the complainant

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.10 dated 16.1.2022 under Sections 363, 366-A and 120-B IPC registered at Police Station Qadian, Tehsil Batala, District Gurdaspur.

The petitioner is stated to have allured the complainant's daughter aged about fifteen years ten months. The allegations as per the FIR are that on 15.1.2022, the complainant did not find her daughter at home and started searching for her. She reached the adjacent house of Prince, whereupon his mother came out. The complainant found that her daughter and Prince were in a room. Her daughter did not respond to the complainant's calls. Thereupon, the petitioner's mother asked the complainant to go home and that she would send her daughter back. The complainant, accordingly, returned home.

Learned counsel for the petitioner contends that allegations against the petitioner are false as the complainant's daughter accompanied the petitioner of her own. Both were recovered from a place in Uttar Pradesh on 25.4.2022. Complainant's daughter's statement under Section 164 Cr.P.C. was

recorded on 24.7.2022, wherein she categorically stated to have accompanied the petitioner of her own and wanted to stay with him too. It is further submitted that trial of the case is not progressing since an application under Section 319 Cr.P.C. has been filed by the complainant on completion of examination-in-chief of the prosecutrix and the petitioner remains in custody since 26.4.2022. It is also submitted that the victim has refused her medical examination, therefore, there is no medical evidence on record.

Learned State counsel assisted by learned counsel for the complainant, on instructions from ASI Dilbag Singh, opposes the grant of bail by submitting that trial of the case is going on and the prosecutrix's statement has been partly recorded. He, however, is not able to dispute the facts aforestated.

In this background when trial of the case is not progressing on account of the application under Section 319 Cr.P.C. having been filed by the complainant and examination-in-chief of the prosecutrix is over, no purpose will be served by keeping the petitioner in custody during pendency of the trial, which is not likely to conclude in near future.

In view thereof, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(TRIBHUVAN DAHIYA)
JUDGE

25.1.2023

Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No