

2023:PHHC:121142

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

CRM-M-34179-2023

Date of Decision: 14.09.2023

VEERPAL SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Harpal Singh Sidhu, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 40 dated 15.03.2023 under Sections 363/366-A IPC, Section 8 of the POCSO Act deleted later on and Section 17 of the POCSO act added later on, registered at Police Station City Patti, District Tarn Taran.
2. Custody certificate has been placed on record.
3. Learned counsel for the petitioner contends that as per the allegations, the victim, who is stated to be aged about 15 years and 11 months, went missing from the house on 10.03.2023. It has been suspected that the petitioner alongwith aunt Veena have enticed her on the pretext of solemnizing marriage. It has been further submitted that the FIR has been lodged after delay of 05 days. The victim was recovered on 21.03.2023 and in her statement under Section 164 Cr.P.C., she has specifically and categorically stated that she had voluntarily left the house. Furthermore, the offence under Section 8 of the POCSO Act has been deleted. Investigation of the case is complete and challan has been presented. Moreover, co-accused Veena has been granted interim bail.

4. Learned State counsel has opposed the bail application on the score that the victim was less than 18 years of age.

5. It is significant to note that the victim in her statement under Section 164 Cr.P.C. has specifically and categorically stated that she had voluntarily left the house. She has not imputed any allegation with regard to threat, pressure, force or allurement exercised upon her by the petitioner. The petitioner is in custody for a period of 05 months and 23 days and not involved in any other case. The investigation of the case is complete and challan has been presented in the Court. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

6. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

14.09.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No