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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-34546-2023 in/and
CRM-M-35920-2023
Date of decision: 23.08.2023

HARDEEP SINGH @ DEEPU

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON’BLE MR. JUSTICE VIVEK PURI

Present: Mr. Munish Puri, Advocate for the applicant/petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI,J. (ORAL)

CRM-34546-2023

1. This is an application for amendment of the head note and prayer clause in the main petition.
2. It has been submitted that subsequent to the registration of FIR, the offence under Sections 354-D IPC and Section 12 of POCSO has also been added and accordingly, said offences have been sought to be incorporated with the petition.
3. By recording no objection from the State counsel, the amended head note and prayer clause are taken on record.
4. Registry to tag the same at the appropriate place.
5. Disposed of.

Main case

6. Custody certificate of the petitioner has been circulated today and the same is taken on record.
7. Hardeep Singh @ Deepu-petitioner is seeking regular bail in the case

**CRM-34546-2023 in/and
CRM-M-35920-2023**

-2-

bearing FIR No.62 dated 12.06.2023 under Sections 363/366 registered at Police Station Sadar, District Pathankot.

8. Learned counsel for the petitioner contends that the FIR has been registered on the basis of the statement of the father of the victim alleging that the victim was aged about 15 years at the time of occurrence. She went missing from the house on 03.06.2023 and it was suspected that the petitioner has enticed her with an intention to solemnize marriage. The victim in her statement under Section 164 Cr.P.C has not imputed any allegation with regard to kidnapping or sexual harassment against the petitioner. The investigation of the case is complete and challan has already been presented in the Court.

9. Learned State counsel has also submitted that the victim went missing from the house on 03.06.2023 and was recovered on 12.06.2023 while she was in the company of the petitioner. Her statement under Section 164 Cr.P.C was recorded on 13.06.2023. However, in the said statement she has not imputed any allegation with regard to threat, force, pressure, allurement exercised upon her at the instance of the petitioner. Moreover, she has also not levelled any allegation with regard to sexual harassment against the petitioner. The petitioner is in custody for a period of 02 months and 09 days and is not involved in any other case.

10. It is significant to note that in the statement under Section 164 Cr.P.C, the victim has not imputed any allegation of sexual harassment against the petitioner. Even, she has not uttered any word to indicate that the petitioner had exercised any pressure, threat, influence upon her or allured her to accompany him. The petitioner is in custody for a period of 02 months and 09 days and is not involved in any other case. The custodial interrogation of the petitioner is over

**CRM-34546-2023 in/and
CRM-M-35920-2023**

-3-

and he has been remanded in judicial custody. The investigation of the case is complete and challan has already been presented. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

11. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

12. The petition is allowed accordingly.

23.08.2023
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**(VIVEK PURI)
JUDGE**

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