

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**217****CRM-M No.36048 of 2023****Date of Decision : 19.09.2023**

Mandeep Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashok Kumar Sama, Advocate for the petitioner.

Mr. Harjinder Singh Sidhu, 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.52 dated 14.05.2023 under Sections 363, 366-A and 120-B of the Indian Penal Code, 1860 registered at Police Station Kulgarhi, District Ferozepur.

2. The FIR was lodged on the statement of the complainant that his elder daughter, aged about 16 years, was missing from the house around midnight on 04.05.2023. They kept on searching for her, however, they remained clueless. Subsequently, they came to know that the victim was enticed away by the petitioner on the pretext of marriage. The victim was subsequently recovered and her statement was recorded under Section 164 CrPC on 08.05.2023 wherein she has stated that she accompanied the petitioner on her own accord. The victim was taken to the Civil Hospital but she refused to get herself medically examined.

3. Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the present case and that the victim in her statement recorded under Section 164 CrPC has completely exonerated the petitioner and has specifically stated that she left the house with the petitioner on her own accord.

4. Learned State counsel has filed the custody certificate. Learned State counsel is not in a position to deny the fact that the victim in her statement recorded under Section 164 CrPC has stated that she accompanied the petitioner on her own accord and further that she refused to get herself medically examined.

5. I have heard learned counsel for the parties.

6. In the present case the petitioner has been in custody for a period of 04 months and 03 days as per the custody certificate filed by learned State counsel. The allegation against the petitioner is that he had enticed the victim to leave her house on 04.05.2023 on the pretext of marriage. The custody of the victim was handed over to her parents in the presence of *Sarpanch* of the village. Thereafter, her statement was recorded under Section 164 CrPC wherein she has stated that she had accompanied the petitioner on her own accord. The victim had also refused to get herself medically examined.

7. 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 and surety bonds to the satisfaction of the Trial Court/Additional District Judge (Duty) concerned.

8. 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.

9. 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.

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

(ALKA SARIN)
JUDGE

19.09.2023
jk

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