

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

CRM-M-36613-2023

Date of Decision: 03.08.2023

SUKHBIR SINGH
STATE OF PUNJAB

V/S

... PETITIONER
... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Chander Shekhar Singhal, Advocate for
Mr. D.R.Puinia, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 12 dated 07.02.2023 under Sections 363, 366-A IPC, registered at Police Station Kathunangal, District Amritsar (Rural).
2. Custody certificate has been taken on record.
3. Learned counsel for the petitioner contends that the victim was aged about 17-1/2 years at the time of occurrence. She had voluntarily accompanied the petitioner and there is no allegation to the effect that she was sexually abused. In fact, the victim wanted to solemnize marriage with the petitioner after attaining the valid age for marriage. The petitioner and the victim had also moved a petition bearing CRWP-3049-2023 seeking protection to their life and liberty. The victim is presently confined in Nari Niketan. The investigation of the case is complete. The petitioner is in custody for a period of about 2 months and not involved in any other case.
4. Learned State counsel submits that the victim went missing

from the house of her sister on 03.04.2023 and was recovered on 04.06.2023 while she was in the company of the petitioner. It has been further submitted that in her statement under Section 164 Cr.P.C., the victim had stated that she had voluntarily accompanied the petitioner as she wanted to solemnize marriage with him. However, it has not been disputed that there is no allegation with regard to sexual abuse and the victim is presently kept in Nari Niketan.

5. It is significant to note that the victim has not attributed any allegation of threat, pressure, influence or allurements exercised upon her by the petitioner. The petitioner is in custody for a period of about 2 months and not involved in any other case. The investigation of the case is stated to have been completed. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

6. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. The petition is allowed.

03.08.2023

Janki

**(VIVEK PURI)
JUDGE**

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