

213

2023 : PHHC : 110841

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40919-2023

Date of Decision: 24.08.2023

ARJUN

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.S.Thakur, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

* * *

VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 79 dated 03.06.2023 under Sections 363, 366 IPC, registered at Police Station Division No.2, District Pathankot.
2. Custody certificate has been taken on record.
3. Learned counsel for the petitioner contends that the FIR has been registered on the allegations that the petitioner along with his maternal uncle Mangat Ram @ Bubbi were instrumental in kidnapping the daughter of the complainant for the purpose of solemnizing her marriage with the petitioner. The age of the victim is stated to be 16 years. The petitioner has been falsely implicated in the instant case and in her statement under Section 164 Cr.P.C., the victim has not attributed any allegation against the petitioner. Furthermore, Mangat Ram @ Bubbi, the uncle of the petitioner has been granted interim bail in terms of the order dated 26.07.2023 passed in CRM-M-31269-2023.

4. Learned State counsel, on instructions of ASI Sunder Singh, submits that in her statement recorded under Section 164 Cr.P.C., the victim has stated that she has voluntarily left the house and has not attributed any specific allegation against the petitioner. The investigation of the case is complete, challan has been presented and charge has also been framed.

5. It is significant to note that in her statement under Section 164 Cr.P.C., the victim has not attributed any allegation with regard to threat, pressure, force or any allurement exercised upon her by the petitioner. There is nothing to indicate that the petitioner had kidnapped the victim, or in any manner exploited her. The petitioner is in custody for a period of 2 months and 15 days and not involved in any other case. The investigation of the case is complete and conclusion of trial is likely to take some 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.

24.08.2023

Janki

**(VIVEK PURI)
JUDGE**

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