

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**220****CRM-M No.42252 of 2023 (O&M)
Date of Decision: 05.10.2023**

Prabhjot Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Kamaldeep Kaur, Advocate for
Mr. G.S. Sandhu, 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.201 dated 26.10.2022 under Sections 363 and 366 of the Indian Penal Code, 1860 registered at Police Station Division 2, District Pathankot.

2. The FIR was lodged by the father of the victim stating therein that the date of birth of his daughter is 20.01.2006, who was studying in Class 10+1. On 22.10.2022 his daughter went to the school but did not return. He searched for his daughter but could not find her. Hence, the present FIR. The statement of the victim was recorded on 20.06.2023, wherein she has stated that she had gone with the petitioner on her own accord and that the petitioner had not taken her on the false pretext of marriage. No other allegations were made by the victim in her statement recorded under Section 164 CrPC.

3. Learned counsel for the petitioner would contend that the victim had gone with the petitioner on her own accord and that the victim has stated in her statement recorded under Section 164 CrPC that she has known the petitioner for six months and that they both want to perform marriage and further that she was not taken by the petitioner on the false pretext of marriage.

4. Learned State counsel has filed the custody certificate of the petitioner as per which he has been in custody for a period of 03 months and 19 days. Learned State counsel has pointed out that the victim in her statement recorded under Section 164 CrPC has stated that she had gone with the petitioner on her own accord. There was no allegation of any wrong act having been committed by the petitioner upon the victim. Learned State counsel on instructions from ASI Naresh Kumar has stated that both the victim and her mother have refused to give their consent for a medical check up.

5. I have heard learned counsel for the parties.

6. In the present case the victim had refused to get her medical done. Even in her statement recorded under Section 164 CrPC she has stated that she had gone with the petitioner on her own accord. There are no allegations of any wrong act having been committed by the petitioner upon the victim. The petitioner has been in custody for a period of 03 months and 19 days. No useful purpose would be served by keeping the petitioner behind bars.

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 bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions 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

05.10.2023

jk

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