

CRM-M-44091-2023
Date of decision: 25.09.2023

...PETITIONER

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.K.Choudhary, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. G.S. Bhinder, Advocate for the complainant.

VIVEK PURI,J. (ORAL)

1. Custody certificate of the petitioner has been placed on record.
2. Sher Ali-petitioner is seeking regular bail in the case bearing FIR No.08 dated 03.07.2019, under Sections 366/376/420/466/468/471/120-B IPC, registered at Police Station Dhar Kalan, District Pathankot.
2. Learned counsel for the petitioner contends that the other co-accused are on bail. The allegations against the petitioners are to the effect that he had abducted the victim aged about 20 years. It has been submitted that the petitioner and the victim were in relationship and they have solemnized marriage. The couple has been blessed with two children.
3. On the previous date of hearing, learned State counsel had sought an adjournment to verify this aspect of the matter.
4. On instructions from ASI Naresh Kumar, it has been submitted that the victim was aged more than 20 years at the time of occurrence and she has solemnized marriage with the petitioner. Two children have also been born from the wedlock. The victim along with the children is stated to be residing in the

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matrimonial house. However, it has been submitted that at the earlier instance, the petitioner was declared as proclaimed offender vide order dated 05.10.2019.

5. Learned counsel for the complainant has also affirmed the fact that the daughter of the complainant has solemnized marriage with the petitioner and is happily residing in her matrimonial house along with two minor children.

6. Although, the petitioner was declared as proclaimed offender but he is in custody for a period of 02 months and 10 days in the instant case. The victim was aged more than 20 years at the time of occurrence and she has voluntarily solemnized marriage with the petitioner and two children have been born from the wedlock. 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.

7. 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.

8. The petition is allowed accordingly.

25.09.2023
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(VIVEK PURI)
JUDGE

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