

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**228****CRM-M No.47172 of 2023****Date of Decision : 08.12.2023**

Buta Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. D.S. Nigha, 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.14 dated 16.02.2023 under Sections 363, 366, 420, 465, 468, 471, 376 and 120-B of the Indian Penal Code, 1860; Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 and Sections 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station City Morinda, District Ropar.

2. The FIR was registered on the statement of the complainant, namely, Kirandeep Kaur, wherein she stated that her daughter, who was a minor, had gone missing and she suspected that she had been enticed by the petitioner on the pretext of marriage. On the basis of said statement the present FIR was registered on 16.02.2023. The present petitioner was arrested on 04.03.2023. Learned counsel for the petitioner would further contend that the prosecutrix in the present case was never medically

examined and that the prosecutrix and the petitioner had performed their marriage and had also sought protection from this Court by filing a petition being CRWP-1631-2023. Learned counsel for the petitioner has also contended that the mother of the prosecutrix i.e. complainant herein and the brother the prosecutrix have since been examined and they have not supported the case of the prosecution. It has further been submitted that the petitioner has been in custody for a period of 09 months.

3. Learned State counsel has filed the status report by way of affidavit of Sh. Jarnail Singh, PPS, Deputy Superintendent of Police, Sub Division Shri Chamkaur Sahib, District Rupnagar. Registry to scan the same and tag at the appropriate place. The custody certificate of the petitioner has also been filed as per which the petitioner has been in custody for a period of 09 months. Learned State counsel is not in a position to deny that the material witnesses have since been examined and they have not supported the case of the prosecution. Learned State counsel has further submitted that as per the status report the medical of the prosecutrix was not conducted. On 13.03.2023, when the prosecutrix was recovered, she was taken to *Nari Niketan* from where her custody was handed over to the complainant. However, she soon thereafter left the company of her mother again.

4. I have heard learned counsel for the parties.

5. In the present case none of the material witnesses have supported the prosecution version. There is no medical evidence on the record. The petitioner has already been in custody for a period of 09 months.

6. 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.

7. 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.

8. 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.

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

(ALKA SARIN)
JUDGE

08.12.2023
jk

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