

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**108+224****CRM-M-50466-2022 (O&M)****Date of order: 24.07.2023****Karan****.....Petitioner(s)****Vs.****State of Punjab & Others****.....Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. S.K. Choudhary, Advocate
for the petitioner.

Mr. Jashanpreet Singh, DAG Punjab.

Nidhi Gupta, J.**CRM-29964-2023**

This is an application under Section 482 Cr.P.C. for placing on record statement of victim, her mother as well as her brother as Annexure P4 to Annexure P6.

After going through the contents of the application, the same is allowed subject to all just exceptions and Annexure P4 to Annexure P6 are taken on record.

MAIN CASE

Present is the first petition filed by the petitioner under Section 439 of Code of Criminal Procedure (hereinafter referred to as "Cr.P.C.") seeking grant of regular bail in case FIR No.51 dated 21.05.2022 registered under Sections 363 and 366 of Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Shahpurkandi, District Pathankot.

2. Brief facts of the case are as follows:-

“FIR has been registered on the statement of complainant-Aagan Bhai Patel with the allegations that she and her husband were doing the work at a brick kiln of Pran Nath situated at Talwara Jattan for the last about 8-9 months. She has two sons and four daughters. Her elder daughter is Santosh Kumari and younger to her is Sukhbara who is aged about 12 years. She along with her family was residing in a hut built on the aforesaid brick kiln. Karan s/o Nohar Lal along with his parents was also residing near their hut. Karan was keeping his bad eyes on her daughter Sukhbara and was always teasing her daughter. On 16.05.2022 in order to avoid his such activities and create distance from him, they started working at Bharat Bricks Supplier, Manwal Upperla on the pretext of going to Chattisgarh, but said Karan did not stop to follow her daughter. On 19.05.2022 at about 4:30 pm, when her daughter Sukhbara went some distance from the hut to fetch water, then after sometime he also followed her. She saw that Karan called her daughter by giving signals with his hands and forcibly abducted her daughter on the false pretext of marriage. They have been searching for their daughter, but did not find her. Thereafter, the present FIR was registered.”

3. It is inter alia submitted by learned counsel for the petitioner that the petitioner is in custody since 21.05.2022. The material witnesses in the present case being the victim, the complainant/mother of the victim and father of the victim already stand examined. Learned counsel further submits that the whole family of the victim has turned hostile and has not supported the prosecution case. Learned counsel refers to Annexure P4 wherein PW2/victim aged 19 years has stated that “..Karan i.e. accused present in Court today he is my husband. I do not want to say anything against him. I have gone with him voluntarily. I was not kidnapped by him. We solemnized marriage with each other on 20.05.2022 at Jammu. I did not get recorded any statement to the police against Karan. I got recorded my statement before the Magistrate..”. It is submitted that as the

material witnesses stand examined, no useful purpose will be served by keeping the petitioner behind bars. It is submitted that accordingly, FIR has been registered in the matter due to some misunderstanding on part of the complainant and her family with the petitioner.

4. Learned State Counsel files custody certificate dated 22.07.2023 which is taken on record. Learned State Counsel opposes the prayer for grant of regular bail however is unable to dispute the above facts.

5. I have heard learned counsel for the parties.

6. Without commenting on the merits of the matter, in view of the fact that material witnesses already stand examined and the fact that the petitioner is in custody since 27.09.2022 and has undergone 9 months 27 days in custody, present petition is **allowed** and petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

7. However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

8. Pending application(s) if any also stand(s) disposed of.

24.07.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No