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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48802-2023 (O&M)
Date of decision : 11.12.2023

Rohit Kumar ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Saurabh Arora, Advocate for the petitioner.

Mr. Harjinder Singh Sidhu, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.53 dated 18.06.2023 under Sections 363 & 366 of the Indian Penal Code, 1860, registered at Police Station Sadar Rupnagar.
2. The FIR was registered on the statement of the complainant - Suresh Pal - alleging therein that his daughter, who was about 15-16 years of age and was residing with him at the brick kiln, went missing on 15.06.2023. It was further alleged that on searching for the girl, she could not be found. Later they came to know that she was at the house of the relative of the present petitioner. It was further alleged that the petitioner had taken her away on the pretext of solemnizing marriage.

3. Learned counsel for the petitioner would contend that the petitioner has been in custody for a period of 05 months and 22 days and that he has absolutely clean antecedents. It is further the contention of the learned counsel that the victim in her statement recorded under Section 164 CrPC has stated that the petitioner had not forced her and that she had gone willingly with the petitioner. It was further stated in the statement that no wrong was committed with her. It is further the contention of the learned counsel that the victim had refused to get her medical examination conducted.

4. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 05 months and 22 days and there is no other case pending against him. Learned counsel for the State on instructions from SI Harmesh Singh has stated that the victim had refused to get her medical examination conducted and that she in her statement under Section 164 CrPC has stated that she had gone on her own accord and no wrong was committed with her. Learned State counsel has further stated that since the child is a minor, hence this is not a fit case for grant of regular bail to the petitioner.

5. Heard.

6. In the present case the FIR was registered on the statement of the father of the victim who has stated that his daughter had been allured by the present petitioner on the pretext of marriage. The victim was recovered from the house of the relative of the present petitioner. The victim in her

statement recorded under Section 164 CrPC has stated that no wrong was committed with her and that she had voluntarily gone with the present petitioner. The victim had also refused to get her medical examination conducted. As per the custody certificate the petitioner has been in custody for a period of 05 months and 22 days and there is no other case pending against him. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

7. In view of the above and without commenting upon the merits of the case, this Court deems 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.

11.12.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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