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2023 : PHHC : 099800

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-53498-2022
Date of Decision: 03.08.2023**

SANDEEP SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. SPS Sidhu, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.

* * *

VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 24 dated 16.03.2022 under Sections 363, 366-A, 120-B IPC, registered at Police Station Lakho Ke Behram, District Ferozepur.
2. Custody certificate has been taken on record.
3. Learned counsel for the petitioner contends that besides the petitioner, three other persons have been arraigned as accused. The other three accused are on bail. The allegations are to the effect that the petitioner and the co-accused had kidnapped the victim, who is stated to be aged about 17 years at the time of occurrence. In her statement recorded under Section 164 Cr.P.C., the petitioner has not attributed any fault on the part of the petitioner or his family. She has specifically and categorically mentioned that the family of the victim, petitioner and his family are innocent and the fault is on the part of other persons who have already been released on bail. Moreover, the statement of the victim and her father has also been recorded during the course of trial. Furthermore, the petitioner is in custody for a period of 1 year and 14 days and not involved in any other case.

5. Learned State counsel has opposed the bail application on the score that during the course of trial, the statement of the victim has been recorded wherein she has also attributed allegations with regard to kidnapping against him.

6. However, it has not been disputed that there is nothing on record to indicate that the victim was never sexually abused. So far, out of 21, 6 witnesses have been examined. The petitioner is in custody for a period of 1 year and 14 days and is not involved in any other case. The co-accused are on bail. There is lack of material to indicate that any allegation of threat, pressure, influence or allurement has been attributed against the petitioner by the victim in her statement under Section 164 Cr.P.C. Furthermore, the victim as well as her father have been examined during the course of trial. As such, it cannot be said that the petitioner can in any manner influence or win over them. Still 15 witnesses remain to be examined. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

7. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

8. The petition is allowed.

03.08.2023

Janki

Whether speaking/reasoned : Yes/No

(VIVEK PURI)
JUDGE

Whether reportable : Yes/No