

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

242

CRM-M-59233-2023 (O&M)

Date of Decision : 30.11.2023

SUNIL SINGH

.... Petitioner

VERSUS

STATE OF PUNJAB

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. D.S. Nigha, Advocate for the petitioner.

Mr. M.S. Tiwana, 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.42 dated 12.04.2023 under Sections 363, 366-A of the Indian Penal Code, 1860 registered at Police Station Sadar Tarn Taran, District Tarn Taran.

2. The FIR was registered on the statement of the mother of the victim wherein she stated that on 26.03.2023 at about 8:30 am her daughter went to school and did not come back. She tried her level best to reach her and came to know that Sunil Singh @ Sushil Singh son of Gurmeet Singh had enticed away her daughter.

3. Learned counsel for the petitioner would contend that the victim and the petitioner had sought protection from this Court vide CRWP-3976-2023 which was disposed of vide order dated 26.04.2023. Learned counsel would further contend that the victim after attaining the age of 18

years had solemnized her marriage with the petitioner and is happily residing with his family. It is further the contention of the learned counsel for the petitioner that in the statement of the victim recorded under Section 164 CrPC she stated that no wrong act was committed with her by the petitioner and that she had refused to get her medical 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 1 month and 4 days.

5. Heard.

6. In the present case the victim has solemnized her marriage with the present petitioner on attaining the age of 18 years. She had earlier approached this Court along with the petitioner seeking protection of life and liberty by filing CRWP-3976-2023 which was disposed of vide order dated 26.04.2023. The victim had refused to get her medical conducted in the present case. The petitioner has been in custody for a period of 1 month and 4 days. 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.

30.11.2023

Aman Jain

(ALKA SARIN)

JUDGE

NOTE:

Whether speaking/non-speaking: Speaking

Whether reportable: YES/NO