

**CRM-2848-2024 in/and
CRM-M-17733-2023
Date of decision: 30.01.2024**

...APPLICANT/PETITIONER

STATE OF PUNJAB

...RESPONDENT

Present: Mr. Sandeep Arora, Advocate for the applicant/petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

SUDEEPTI SHARMA,J. (ORAL)

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This is an application for placing on record Annexures P-4 & P-5.

For the reasons mentioned in the application, the same is allowed and Annexures P-4 & P-5 are taken on record, subject to all just exceptions.

Registry to tag the same at the appropriate place.

Main case

1. Status report by way of affidavit of Palwinder Singh, PPS, Deputy Superintendent of Police, Sub-Division City, District Hoshiarpur on behalf of the respondent-State and custody certificate of the petitioner have been filed and the same are taken on record.
2. This is a petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.31, dated 27.01.2023, registered under Sections 363/366-A of the Indian Penal Code, 1860 (IPC), registered at Police Station Model Town, District Hoshiarpur.

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on the basis of the statement of the father of the victim alleging that the victim was aged about 15 years. On 26.01.2023, her daughter, namely, Jasleen Jaswal had gone for tuition and had not returned back to the house and it was suspected that the petitioner has enticed her with an intention to solemnize marriage. The victim had not imputed any allegation against the petitioner in her writing (Annexure P-2) who submitted that she went away from her house on her own, on account of beatings given by her parents. He has further submitted that the petitioner is in custody since 29.01.2023 and is not involved in any other case.

4. Learned State counsel has opposed the bail application on the score that there are serious allegations against the petitioner that he enticed away the victim with an intention to solemnize marriage. He further submits that the investigation of the case is complete, challan has been presented and charges have also been framed. Out of 12 prosecution witnesses, 04 have already been examined and that the petitioner is not involved in any other case. The next date of hearing in the trial Court for prosecution evidence is 31.01.2024.

5. I have heard the submissions made by the learned counsel for the parties.

6. Since, the statement of the victim and her father have been recorded. It has been categorically and specifically stated that the petitioner was accompanying her but there is nothing to indicate that the petitioner had extended any threat, pressure, force or allurement upon the victim when she left her house. The petitioner is in custody for the last one year i.e. from 29.01.2023 and is not involved in any other case. Out of 12 prosecution witnesses, 04 have already been examined. The conclusion of trial is likely to take some time. No useful purpose

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will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

7. In view of the above, provided the petitioner is not required in any other case, the present petition is allowed and the petitioner is released on bail in the above-noted FIR on his furnishing adequate bail bonds and surety bonds to the satisfaction of the Trial Court/Duty Magistrate, 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 at any stage.

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

30.01.2024
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**(SUDEEPTI SHARMA)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No