



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
204**

CRM-M-40279-2024
Date of Decision: 05.09.2024

Sahil @ Nandu

....Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Veneet Sharma, Advocate for the petitioner.

Ms. Aakanksha Gupta, A.A.G., Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 483 BNSS of 2023, for grant of regular bail in case FIR No. 220 dated 18.07.2023 registered under Sections 363, 366 and 376 IPC; and Section 4 of the POCSO Act, 2012 at Police Station Islamabad, Amritsar City, District Amritsar.

Learned counsel for the petitioner *inter alia* submits that the present FIR was registered on the basis of the statement of the father of victim, as per which it has been alleged that the petitioner i.e. child in conflict with law (hereinafter referred to as 'CCL') has abducted the victim. Learned counsel submits that at the time of incident, the victim was 16 years and 7 months of age; whereas CCL was 17 years, 8 months and 26 days of age. It is submitted that the complainant as PW1 in his testimony (P-2); and the victim as PW2 in her testimony (P-3); have not supported the prosecution case. CCL has been in custody since 04.08.2023 as undertrial; and the material witnesses have already been



examined. No useful purpose will be served by further detention of CCL in custody. Thus, it is prayed that the present petition may be allowed and the CCL be released on regular bail.

Learned counsel for the State opposes prayer made on behalf of the CCL and, on instructions from ASI Kulwant Singh, submits that at the time of incident, the victim was only 16 years and 7 months of age. In her statement recorded under Section 164 Cr.P.C. the victim has supported the prosecution case and has categorically stated that she was kept forcefully by the CCL. The victim had gone missing on 17.07.2023 and was recovered on 03.08.2023 from the custody of the CCL. Furthermore there is nothing to suggest that the victim was not subjected to sexual harassment. Learned counsel for the State further submits that out of total 11 prosecution witnesses, 2 material witnesses have been examined; the next date before the learned trial Court is 11.09.2024; FSL report is awaited; and the CCL is in Observation Home, Ludhiana since his date of arrest.

Learned counsel for the State files custody certificate dated 27.08.2024, which is taken on record, as per which the CCL has been in custody as an undertrial for a period of 1 year and 22 days till the said date; and 1 year and 1 month as on today.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case including: a) the custody period of 1 year and 22 days till 27.08.2024; and 1 year and 1 month as on today undergone by the CCL as an undertrial; b) no other case pending against



the CCL as evident from the custody certificate placed on record; and c) out of total 11 prosecution witnesses, 2 material witnesses already stand examined and, therefore, the conclusion of trial will take considerable time and no useful purpose would be served by further detention of the CCL. Thus, the present petition is **allowed**.

The CCL-Sahil @ Nandu S/o Hira Lal, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

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

05.09.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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