



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRM-M-56625-2024(O&M)

Date of Decision: 20.11.2024

Lakhvir Singh alias Lakhi

....Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. J.K.Singla, 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 of The Bharatiya Nagarik Suraksha Sanhita for grant of regular bail in case FIR No. 37 dated 14.05.2024 under Sections 363, 366 IPC (Act No.45 of 1860) (later on challan presented under Sections 363, 366 and 34 IPC and learned trial Court framed charges under Sections 363 and 366 IPC) registered at Police Station Joga, District Mansa (Annexure P-1).

Learned counsel for the petitioner *inter alia* submits that the present FIR (Annexure P-1) was registered on the basis of the statement made by the father of the victim wherein it is alleged that the petitioner had enticed away his minor daughter. It is submitted that the allegations made in the FIR regarding the alleged enticement of the prosecutrix are false and fabricated. It is submitted that in actual fact, the prosecutrix



and the petitioner have been known to each other for the past 4 years and they wanted to solemnize marriage with each other. Accordingly, the victim in her statement under Section 164 Cr.P.C. (Annexure P-2) has not supported the prosecution case and has stated as under:-

“On 13.05.2024 in middle night at about 12, I and accused Lakhvir Singh Lakhi went to Delhi from my village Akli. I went with Lakhvir Singh Lakhi with my own wish. He is innocent. No punishment shall be imposed to him. Accused Lakhvir Singh Lakhi has not forced with me. Friendship of mine and accused is about 3-4 years old. My home came to know about this number of times and due to this reason, I was in depression. I asked to accused that when we completed our age then we will solemnize Court marriage. The present FIR which was got registered by my father and the same is wrong and the allegations levelled in it are baseless and false. We both went with our own consent.”

From the above, it is clear that no wrong act has been committed by the petitioner against the prosecutrix.

Learned counsel for the petitioner further submits that the petitioner has been in custody since 03.06.2024 as undertrial. No useful purpose would be served by further detention of the petitioner in custody. Thus, it is prayed that the present petition may be allowed, and the petitioner be released on regular bail.

Learned counsel for the State opposes prayer made on behalf of the petitioner as the prosecutrix is a minor being 17 years of age. It is submitted on instructions, that the victim was recovered from the custody of the petitioner on 03.06.2024. It is, however, admitted that the victim



in her statement under Section 164 Cr.P.C. (Annexure P-2) has not supported the prosecution case. It is further informed, on instructions, that challan in the present case was presented on 01.08.2024; charges under Sections 363 and 366 IPC were framed on 06.09.2024; and out of 21 witnesses, none has been examined so far.

Learned counsel for the State files custody certificate dated 19.11.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 5 months and 14 days.

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 the fact that: a) the custody period of 5 months and 14 days undergone by the petitioner as an undertrial; b) no other case is pending against the petitioner as evident from the custody certificate placed on record; c) out of total 21 witnesses, none has been examined so far; and d) therefore, the conclusion of trial will take considerable time and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed**.

The petitioner- Lakhvir Singh alias Lakhi S/o Harbans Singh alias Hansa, 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.



Pending application, if any, stands disposed of.

20.11.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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