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

**CRM-M-64463-2023
Date of decision : 05.01.2024**

Teg Ali @ Moju and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present : Mr. S.K. Choudhary, Advocate
for the petitioners.

Mr. Jateshwar S. Bhandari, AAG, Punjab.

HARKESH MANUJA.J. (ORAL)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioners in case bearing FIR No. 31 dated 02.07.2023 registered under Sections 363, 366, 376-D, 120-B and Section 6 POCSO Act, Section 376-DA of IPC and 17 of POCSO at Police Station Narot Jaimal Singh, District Pathankot, wherein the petitioners have been implicated with the allegations of having kidnapped the victim with the help of co-accused Shama S/o Safia.

2. The prayer made on behalf of the petitioners have been opposed by learned State counsel while submitting that the victim at the time of incident was minor.

3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

4. The petitioners have already undergone incarceration of about 6 months. The investigation stands completed and the charges have been framed. Even material witnesses i.e. victim, her father i.e. complainant and even her mother while appearing as PW 1 to PW-3, have not supported the case of the prosecution and that the petitioners have not even been identified by the victim in Court. The petitioners are young boys and are not involved in any other criminal case. Moreover, even the statement under Section 164 of the Code of Criminal Procedure was put to the victim in her cross-examination while appearing as PW-1 and the same was disputed by the victim.

5. Considering the fact that the investigation in the present case, already stands concluded with the filing of challan and trial is likely to take some time, besides it, the petitioners are already behind the bars for the last almost 6 months, I do not find any reason to extend the incarceration of the petitioners any further.

5. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioners are ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

6. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

(HARKESH MANUJA)
JUDGE

05.01.2024
monika

Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No