



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

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CRM-M-36064-2024

Date of decision : 03.07.2025

Vicky

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Balkar Singh, Advocate for the petitioner.

Mr. Anup Singh, A.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.17 dated 18.02.2024 registered under Sections 363, 366 & 376 of Indian Penal Code, 1860 at Police Station Mullanpur Garibdas, District S.A.S. Nagar.

2. Brief facts of the case are that the complainant/victim made a statement before the police alleging that she is living in a rented house of Mohni with her family at village Ratwara for about 11 years. In their neighborhood, a person named Vicky (the present petitioner) also lives on rent with his family who have two girls and one boy. In relation he is maternal uncle (Massad) of the complainant/victim. They were having visiting terms with him. On 19.01.2024 at around 09:30 AM, when she was alone in her house, accused Vicky came to her house and told her that her mother has suddenly fallen ill who is being taken to P.G.I., she should come with him. Then he took her to PGI Chandigarh on his motorcycle. He asked her that he wanted to get money from

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someone. Then he put her in the auto but she objected for the same. Thereafter, he took her to the Bus Stand, Sector 43, Chandigarh. Both of them sat in the bus. She was taken to Gurgaon, where he kept her in a house for many days. He made physical relations with her without her consent and threatened her if she cry, he will kill her. After that he took her to Jaipur where he kept her in a rented house for about a week. On 12.02.2024, she ran away from Jaipur to Delhi and called her father, who brought her from Delhi to the village. On the basis of the said statement, the instant FIR was lodged.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The story putforth in the FIR is totally unbelievable. The relationship between the petitioner and the prosecutrix, if any, was consensual and no prudent man can believe that the prosecutrix remained with the petitioner for 22 days without her consent. For the said reasons, she is evading her appearance before the Trial Court. He submits that the petitioner is in custody since 18.02.2024 and he is not involved in any other case. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 15 prosecution witnesses only 02 have been examined before the Trial Court. He further submits that the trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. On the other hand, learned State counsel has vehemently opposed the grant of regular bail to the petitioner on the ground that the

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petitioner had committed serious offence. However, he conceded the fact that the investigation in the present case is complete; challan has been presented; charges have been framed and out of total 15 prosecution witnesses, only 02 have been examined so far. He has also filed custody certificate dated 02.07.2025 in the Court which is taken on record. As per the custody certificate, the petitioner is in custody for the last more than 01 year and 04 months and he is not involved in any other case.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the custody period of the petitioner, which is 01 year, 04 months and 12 days and the facts that investigation in the present case has been completed, challan has been presented; charges have been framed and out of total 15 prosecution witnesses, only 02 have been examined so far; the petitioner is not involved in any other case and the trial may take a considerable time to conclude, therefore, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. The petition stands disposed of accordingly.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

03.07.2025*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No