

Law Today Live Doc. Id. 15698

PUNJAB AND HARYANA HIGH COURT

Before: Raj Mohan Singh, J.

CRM-M No.35419 of 2020(O&M)

Decided on: 09.12.2020

Vicky Singh

Petitioner

Versus

State of Punjab

Respondent

Present:

Mr. Narender Singh Kamboj, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Indian Penal Code, 1860 (45 of 1860), Sections 363, 366-A – Code of Criminal Procedure, 1973 (2 of 1974), Section 439 -- Kidnapping – Regular bail -- Victim 17 year old taken away on the pretext of marriage – Prosecutrix has exonerated the petitioner in her statement u/s 164 Cr.P.C -- She has refused to get herself medically examined – Challan has been presented -- Charges have also been framed, but no prosecution witness has been examined so far – Looking to the facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, Court deemed it appropriate to enlarge the petitioner on regular bail.

(Para 2-6)

RAJ MOHAN SINGH, J. (ORAL) –

1. The case has been taken up for hearing through video conferencing.

2. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0111 dated 10.08.2020 registered under Sections 363, 366-A IPC at Police Station Sadar Faridkot, District Faridkot.

3. FIR was registered at the instance Darshan Singh grand-father of the victim. The occurrence took place on 07.08.2019 when the complainant found her grand-daughter Navdeep Kaur missing. Whereabouts of the victim could not be ascertained. On 09.08.2020, son-in-law of the complainant told that the petitioner and Gurpreet Singh have taken away the victim on the pretext of marriage. Grand daughter of the complainant was 17 years of age.

4. Learned counsel for the petitioner submitted that the petitioner and Navdeep Kaur were having love affair, but the parents of Navdeep Kaur were not agreeing for the marriage. They wanted to marry Navdeep Kaur with other boy of their own choice, which was not unacceptable to Navdeep Kaur. Navdeep Kaur herself left the house and went with the petitioner in order solemnize marriage. The statement of the victim/prosecutrix was recorded under Section 164 Cr.P.C before Judicial Magistrate First Class, where she has not supported the prosecution case. She stated that the petitioner and prosecutrix were talking to each other by means of writing. On 09.08.2020 at about 1:00 AM, she went of her own from the house of grand parents along with the petitioner. Petitioner took her to his mother house and she stayed there. Petitioner came back. Next day, the police brought the prosecutrix from

the house of Vicky's mother. Petitioner was arrested from Faridkot. Vicky was not at fault. He never induced or kidnapped the prosecutrix. Prosecutrix had nothing to say against the petitioner. Even she refused to get herself medically examined. Prosecutrix has exonerated the petitioner in her statement under Section 164 Cr.P.C. She has refused to get herself medically examined. Keeping in view the age of the prosecutrix, even interim arrangement was made by JMIC to keep the prosecutrix in Nari Niketan after her counseling before Child Welfare Committee. Learned counsel further submitted that offence under Section 363 IPC is bailable and ingredients of offence under Section 366-A IPC are missing.

5. On the other hand, learned State counsel opposed the bail on the ground that the petitioner is involved in serious crime. Challan has been presented. Charges have also been framed, but no prosecution witness has been examined so far.

6. Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

7. In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

8. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

Petition allowed.
