



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

206

CRM-M-31711-2023

Date of decision : 06.03.2025

Mukesh @ Mukesh Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. Adhiraj Singh, A.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the present petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.188 dated 17.11.2020 registered under Sections 363 & 366A of Indian Penal Code, 1860 (Section 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 were added later on) at Police Station Bhikhiwind, District Tarn Taran.

2. Brief facts of the case are that the abovesaid FIR was registered on the statement made by complainant-Pappu Singh stating that from last 5/6 years he is residing at Sursingh along with his family and accused-Mukesh (the petitioner) son of his maternal aunt. About two and a half months ago, accused-Mukesh took his minor daughter, who is studying in 10th class and whose date of birth is 10.07.2003, along with him and after a few days the accused left her back in home. At that time, he did not take any legal action. Thereafter, on 04.11.2020, when he and his family members woke up in the morning, they saw that his daughter was not present in the house. He and his family members

**CRM-M-31711-2023****2**

searched her on their own level in the house of their relatives but did not find her. He is having full confidence that accused-Mukesh has enticed away his daughter on the pretext of marriage. During investigation, the victim girl was recovered from accused-Mukesh. Her statement under Section 164 of Cr.P.C. was recorded in which she stated that the accused took her with him under the effect of some intoxication and she gained consciousness when they reached in the area of Harike. The accused told her that he wants to live with her and took her to Ferozabad where they both live together and made physical relations. Thereafter, the accused refused to solemnize marriage with her.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He submits that the victim has already been recovered on 02.12.2020. He submits that the petitioner is in custody since 02.12.2020 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 04 prosecution witnesses including victim and complainant have been examined so far. 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. Per contra, learned State counsel has vehemently opposed the prayer for grant of regular bail to the petitioner on the ground that at the time of alleged occurrence the victim girl was minor and the petitioner made physical relations with her on the pretext of marrying

**CRM-M-31711-2023****3**

with her. However, he conceded the facts that petitioner is in custody for the last more than 04 years; investigation is complete; challan has been presented; charges have been framed and out of total 15 prosecution witnesses, 04 have been examined. As per custody certificate filed by the learned State counsel, the petitioner 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 i.e. 04 years, 03 months and 01 day and the facts that investigation in the present case is complete; challan has been presented; charges have been framed; out of total 15 prosecution witnesses, only 04 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.

06.03.2025*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No