

Nawab Mohd vs State Of Punjab on 22 February, 2021

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-40871-2020
Date of decision: 22.02.2021

NAWAB MOHD.

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Krishan Sehajpal, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.) The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 0074 dated 21.06.2020 registered under Sections 363 and 366 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Kheri Gandhian, District Patiala.

The above said FIR was registered on statement of father of the victim girl child who alleged that his daughter aged about 16 years and 5 months had been enticed away by the petitioner. The police investigated the case and during investigation recovered the victim girl child from custody of the petitioner.

The petitioner being in custody since the date of his arrest has filed the present petition for grant of regular bail.

Custody certificate has been filed by learned State counsel 1 of 3 through e-mail, print out of which is taken on record.

The petition has been opposed by the respondent-State. However, no reply has been filed by the respondent-State.

I have heard learned counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner is cousin of the victim girl child and he did not kidnap her. In her statement recorded under Section 164 of the Cr. P.C. the victim girl child specifically stated that she had herself requested the petitioner to go outside and she went with him out of her own free will and there was no enticement for taking away of the victim girl child by the petitioner. Offences under Section 363 and 366 of the IPC are not made out against the petitioner. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the petitioner is accused of having committed heinous offences. In view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, statement of the victim girl child under Section 164 of the Cr.P.C. and the fact that trial is likely to take long time due to restrictions imposed to prevent the 2 of 3 spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.02.2021

Vishal

Whether speaking/reasoned
Whether reportable

(ARUN KUMAR TYAGI)

JUDGE

: Yes/No
: Yes/No