

(2024) 08 UK CK 0038

Uttarakhand High Court

Case No: First Bail Application No. 569 Of 2024

Lakhvinder Singh

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Aug. 1, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 365, 370

Hon'ble Judges: Ravindra Maithani, J

Bench: Single Bench

Advocate: Bilal Ahmed, V.S. Rawat

Final Decision: Allowed

Judgement

Ravindra Maithani, J

1. Applicant is in judicial custody in Case Crime No. 147 of 2022, under Section 365, 370 IPC, Police Station Kashipur, District Udham Singh Nagar. He has sought his release on bail.

2. Heard learned counsel for the parties and perused the record.

3. The victim, a minor girl aged 15 years had left her home on 07.03.2022 at 2:00 in the afternoon for shopping, but she did not return.

4. Learned counsel for the applicant would submit that there is no evidence against the applicant; he did not commit any offence; the victim is yet not traceable. Learned counsel for the applicant would also submit that the victim has earlier also once left her home and thereafter, her family members brought her back. He would submit that the applicant has not committed any offence. He has no concern with the victim.

5. Learned State counsel would submit that although earlier also once the victim had left her home, when she was taken back. He would submit that on the date of incident, the applicant took the victim in his home and when his mother asked him to drop the victim back to her home, he took the victim back and since thereafter, the victim is not traceable.

6. It is the stage of bail. Much of the discussion at this stage is not expected of. To the extent of appreciating the controversy, the matter may be examined with the caveat that any observation, made at this stage, shall have no bearing at any subsequent stage of the case.

7. The informant herself has stated that in the year 2021 also, the victim had once left her home. She was found in a temple and she was taken back. It is also told by the

informant that the applicant was in contact with the victim. The Investigating Officer has also recorded the statement of the mother of the applicant. She has stated that on the date of incident, the applicant had brought the victim at his home, but she had asked the applicant to drop the victim back to her home. He had gone to drop her and had returned soon thereafter.

8. Can it be said that it is the applicant who was responsible for missing of the victim? As per prosecution, the mother of the applicant herself has stated that when she asked the applicant to drop her back to her home. He had taken the victim back and had returned soon thereafter. Can it infer anything criminally against the applicant? This and many more questions would find answer during trial.

9. Having considered, this Court is of the view that it is a case fit for bail and the applicant deserves to be enlarged on bail.

10. The bail application is allowed.

11. Let the applicant be released on bail, on his executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the court concerned.