

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

**Criminal Misc.No.M-41056 of 2013
Date of Decision: 21st December, 2013**

Sukhpal Ram

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Gaurav Sharma, Advocate,
for the petitioner.

Mr.K.S.Pannu, DAG, Punjab.

* * *

Naresh Kumar Sanghi, J.

Prayer in this petition is for grant of regular bail to petitioner Sukhpal Ram who has been booked for having committed the offence punishable under Section 366, IPC, in a case arising out of FIR No.97, dated 05.08.2013, registered at Police Station, Lambi, District Sri Muktsar Sahib.

Learned counsel contends that initially, the case was registered for the offence punishable under Section 366, IPC, but after filing of the present petition, it has come to the notice of the petitioner that Section 363, IPC, has also been added. He further contends that the prosecutrix who is married, mother of two children and aged about 22 years, had suffered statement before the learned Area Judicial Magistrate in terms of Section 164, Cr.P.C. He further submits that she had left her house with her own free Will and the petitioner was not at fault.

Learned counsel for the State very fairly concedes that in

her statement under Section 164, Cr.P.C., the prosecutrix has exonerated the petitioner, therefore, the question with regard to the commission of offences by the petitioner would be debatable.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

In view of the totality of the facts and circumstances of the case, the present petition is allowed. Petitioner-Sukhpal Ram son of Amar Nath, r/o village Pathrala, Tehsil and District Bathinda, is ordered to be released on bail for the offences punishable under Sections 363 and 366, IPC, in a case arising out of FIR No.97, dated 05.08.2013, registered at Police Station, Lambi, District Sri Muktsar Sahib, during the pendency of the trial of the present case subject to his furnishing bail bonds to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, Sri Muktsar Sahib.

December 21, 2013
seema

(Naresh Kumar Sanghi)
Judge