

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-15744 of 2015
Date of Decision : 19.5.2015

Amit Singh

.....Petitioner

Vs.

State of UT, Chandigarh

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Ms. Sharmila Sharma, Advocate for the petitioner.

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1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Petitioner seeks bail pending trial in FIR No.162 dated 30.3.2015 under Sections 363/366 IPC registered at Police Station Manimajra, Chandigarh.

Notice to the respondent-U.T., Chandigarh.

On the asking of the court, Mr. Gautam Dutt, Advocate, appears and accepts notice on behalf of the respondent.

Learned counsel for the petitioner submits that there are no allegations of the offence under Section 376 IPC. The prosecutrix has suffered a statement under Section 164 Cr.P.C., wherein she has stated that she has gone with the petitioner on her own sweet will. She also refers to a writing dated 31.3.2015 (Annexure P-2) in this regard, wherein the prosecutrix has

made it clear that the petitioner is not at fault in this regard. She prays for allowing the present petition.

Faced with the above, learned counsel for the State (UT), Chandigarh, on instructions from ASI Gurmeet Singh , Police Station Manimajra, U.T.,Chandigarh, submits that the statement made by learned counsel for the petitioner is correct to the extent that the prosecutrix has made a statement under Section 164 Cr.P.C., in favour of the petitioner. However, he seeks dismissal of the present petition on the ground that the prosecutrix was minor, because of which the petitioner is not entitled for bail pending trial.

Having heard learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this court is of the considered opinion that in the given fact situation of the present case, petitioner deserves the concession of bail pending trial. It is so said, because prosecutrix has made a statement before the learned Magistrate under Section 164 Cr.P.C. that she has gone with the petitioner on her own. The age of the prosecutrix is stated to be 15 and half years. However, the question of age of the prosecutrix will be a moot point to be considered at the time of trial, because there is no proof of age of the prosecutrix available on the record.

Without commenting any further on merits at this stage, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the learned trial court.

Disposed of, accordingly.

19.5.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE

