

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

CRL. MISC. No.M-16542 OF 2015
DATE OF DECISION : 20th July, 2015

Vinod Kumar

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. Harminderjeet Singh, Advocate for the petitioner.

Mr. Amritpal Singh Gill, Additional Advocate General,
Punjab.

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SURINDER GUPTA, J. (ORAL)

This petition has been filed for grant of regular bail to the petitioner in case bearing FIR No.22 dated 11.02.2014 registered at Police Station Division No.7, Ludhiana for offences punishable under Sections 363, 366-A, 376 read with Section 120-B IPC and Section 3(b) Protection of Children from Sexual Offences Act.

Heard.

Learned counsel for the petitioner submits that the FIR in this case was registered on the statement of father of the prosecutrix alleging that his daughter had eloped with the petitioner. Earlier in a petition bearing Cr.W.P. No.954 of 2014, filed by father of the prosecutrix, who had been sent to Nari Niketan, had agreed to go with her father only on the condition that he will withdraw this FIR and give undertaking that he will

marry her with the petitioner. The father of prosecutrix had some doubts about the family of petitioner and wanted to make enquiry in that regard. Later on he prevailed upon the prosecutrix and got her statement recorded, whereby offence under Section 376 IPC has been added.

Learned counsel for the State submitted that as per the school record the age of the prosecutrix is less than 15 years.

Learned counsel for the petitioner refers to the ossification test report (ann.P2) of the prosecutrix, got conducted by this Court, where her age has been recorded as 17 to 20 years with a difference of plus minus two years and dental age as 15 to 16 years.

Investigation in this case is complete. Challan has been presented before the trial court. The factum of the age of prosecutrix is to be decided by the trial court on the basis of the evidence produced before it. Even while taking the custody of prosecutrix, the complainant had given undertaking in this Court that he will marry the prosecutrix with the petitioner but had put-forth a condition that the family of the petitioner will have to deposit a sum of ₹3,00,000/- in the form of Fixed Deposit in the name of the prosecutrix.

Keeping in view the above facts, but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Vinod Kumar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of the Trial Court/Duty Magistrate, Ludhiana subject to following terms:-

1. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.

2. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh before the trial Court.
3. He shall not leave the country without previous permission of the Court.

20th July, 2015
'raj'

(SURINDER GUPTA)
JUDGE