

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

**CRM-M- 26200 of 2015 (O&M)
Date of Decision: 21.9.2015**

Saranpreet Singh

--Petitioner.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Bhupinder Ghai, Advocate and
Ms. Silky Malhotra, Advocate
for the petitioner.

Mr. K.D.Sachdeva, Additional A.G. Punjab.

Mr. J.S.Dadwal, Advocate
for the complainant.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 155 dated 7.6.2015 registered under Sections 363/366/380/120-B IPC (Sections 420/467/468/471 IPC were added later on) at Police Station Jandiala Guru, District Amritsar Rural.

Learned counsel for the petitioner submits that prosecutrix was major when she herself came to the petitioner and forced him to elope with her, with a view to perform marriage. He further submits that petitioner did nothing except to fulfill the wishes of the prosecutrix. He would next contend that after performing marriage, petitioner and the prosecutrix approached this Court seeking protection to their life and liberty, which was granted to them, vide order dated 9.6.2015. Thereafter, petitioner and prosecutrix went to Mumbai where the prosecutrix spent lavishly, for which the petitioner cannot be blamed. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Sukhdev Singh, as well as learned counsel for the complainant oppose the present petition, contending that petitioner enticed away the prosecutrix. She has so stated before the police while getting her statement recorded under Section 161 Cr.P.C. They also submit that petitioner has committed an offence under Section 380 IPC, as well. They concluded by submitting that, had the story put forth by the petitioner been true and correct, the prosecutrix would have stayed with him but she is now, staying with her parents. They pray for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in view of the peculiar facts and circumstances of the case, petitioner has been found entitled for the concession of bail pending trial. It is so said because the prosecutrix herself went with the petitioner. They performed marriage on their own sweet will. Thereafter, they approached this Court seeking protection, which was granted to them, vide order Annexure P-5.

In view of the above and without commenting anything further on the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

21.9.2015
AK Sharma