

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

**CRM-M-26267 of 2015
Date of Decision: 13.8.2015**

Jaswinder Singh alias Manga

--Petitioner.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Vijay Rana, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 10 dated 28.2.2015 under Section 376-D IPC, registered at Police Station Lohian, Tehsil Shahkot, District Jalandhar.

Notice to the Advocate General, Punjab.

On the asking of the Court, Mr. K.D.Sachdeva, Additional A.G. Punjab, accepts notice.

Learned counsel for the petitioner submits that there were two accused. He further submits that the prosecutrix, after the alleged incident, has, as a matter of fact, performed marriage with Ajay-co accused of the petitioner. In fact, the prosecutrix was already having undesirable relations with Ajay-co accused of the petitioner. He concluded by submitting that since trial is yet to start, conclusion thereof will take some time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Pargat Singh, submits that since the prosecutrix was minor and involvement of the petitioner in the commission of offence has been duly established, compromise arrived at between the parties will be of no consequence. He prays for dismissal of the present petition.

Having heard the 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 keeping in view the peculiar facts and circumstances of the present case, petitioner has been found entitled for the concession of bail pending trial. It is so said, because it has gone undisputed between the parties that after the alleged incident, prosecutrix has performed marriage with Ajay-co accused of the petitioner. In this view of the matter, it will be a debatable issue before the learned trial court as to whether any offence under Section 376 (D) IPC is made out or not. Further, since trial is yet to start, conclusion thereof will take some time.

In view of the above and without commenting anything further on the merits of the case, 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 on his furnishing adequate bail bonds/surety bonds to the satisfaction of the learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

13.8.2015
AK Sharma