

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.302 of 2015

Date of Decision:13.01.2015

Amrit Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.Sumit Gupta, Advocate,
for the petitioner.**

**Mr.Pravindra Singh Chauhan, Additional Advocate
General, Haryana, for the respondent-State.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him, vide FIR No.317 dated 03.05.2014, on accusation of having committed the offences punishable under Sections 363/366-A IPC, by the police of Police Station Model Town, District Panipat.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable help and deep consideration of the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Precisely, the prosecution, *inter alia*, claimed that on 01.05.2014, victim Maninder Kaur had left the house of maternal uncle, went to coaching centre as usual. She did not return back on that day.

Complainant-Kashmir Singh son of Karnail Singh, her maternal uncle searched for her, but all efforts went in vain. Then, he reported the matter to the police. Subsequently, the petitioner was involved in this case on the ground that he has enticed away to marry her. On the contrary, the victim, claiming herself to be major, asserted that she has voluntarily performed the marriage with the petitioner on 02.05.2014. After solemnization of the marriage and apprehending danger to their lives, the victim and the petitioner have filed a joint protection-petition, bearing No.CRM-M No.15277 of 2014(Annexure P-1)(colly.), mentioning therein that she was major and she has voluntarily performed the marriage with the petitioner. The protection-petition was accepted by means of order dated 05.05.2014 by a Coordinate Bench(Surinder Gupta, J.) of this Court.

5. Not only that, statement of the victim was recorded under Section 164 Cr.P.C. by the Magistrate, wherein, she has also maintained that on 01.05.2014, she herself left the house of her uncle's with the petitioner with her own free will and consent. She voluntarily solemnized the marriage with him on 02.05.2014. Thereafter, they resided together in protection home at Karnal. Therefore, in that eventuality, as to whether the penal provisions of Sections 363/366-A IPC, are attracted to the facts, relatable to the case of the petitioner or not, *inter alia*, would be a moot point to be decided after receipt of evidence of the parties during the course of trial by the trial Court.

6. Be that as it may, the petitioner was arrested in this case on 11.06.2014. Since then he is in judicial custody and no useful purpose

would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. The conclusion of trial will naturally take a long time.

7. In the light of aforesaid reasons, taking into consideration the totality of facts & circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the main case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

January 13, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE