

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

**Criminal Misc. No. M-3383 of 2015
Date of Decision: 18.3.2015**

Rakesh

.....Petitioner

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Jasbir Singh Mor, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J.(ORAL)

Petitioner seeks bail pending trial in FIR No. 122 dated 12.6.2014, under Sections 363-A/366/376 IPC, registered at Police Station Sadar Dhuri, Sangrur.

Learned counsel for the petitioner refers to the order dated 17.1.2015 (Annexure P-4) passed by the learned Additional Sessions Judge, Sangrur and particularly para 4 thereof, to contend that prosecutrix, in her statement recorded under Section 164 Cr.P.C., has specifically stated that she went with the petitioner on her own free will. They stayed together for about six months. When the statement of prosecutrix was recorded on 28.12.2014, she was

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carrying pregnancy of three months. When she refused to go with her parents, learned court of competent jurisdiction directed to send the prosecutrix to Nari Niketan. He prays for allowing the present petition.

Notice of motion.

On the asking of the Court, Ms. Anmol Grewal, AAG, Punjab, accepts notice on behalf of the State.

Learned counsel for the State, on instructions from ASI Jaswinder Singh, Police Station Sadar Dhuri, Sangrur, submits that report under Section 173 Cr.P.C. has been presented to the court of competent jurisdiction on 24.2.2015 and charge has also been framed against the petitioner. She further submits that next date for recording prosecution evidence is 19.3.2015. She concluded by submitting that in this view of the matter, petitioner is not entitled for bail pending trial. She prays for dismissal of the 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 the petitioner deserves the concession of bail pending trial.

It is a matter of record that in her statement recorded under Section 164 Cr.P.C., prosecutrix herself stated that she went with the petitioner on her own. She also stated that they got married with each other and stayed together as husband and wife for about six months. When her statement was recorded on 28.12.2014, prosecutrix was carrying pregnancy of about three months. However,

when she refused to go with her parents, she was directed to be kept in Nari Niketan. So far as trial is concerned, it will take long time, because prosecution evidence is yet to start.

In view of the above, 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 Chief Judicial Magistrate/Duty Magistrate, Sangrur.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

18.3.2015
AK Sharma