

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

MUKESH KUMAR SALUJA
2015.03.10 10:28
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CRM-M-7058-2015
Date of decision:09.03.2015

Gurpreet Singh @ Gopi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.S.K.Bokolia, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Notice of motion.

Mr.D.S.Virk, AAG, Punjab accepts notice on behalf of the State.

Learned counsel for the petitioner places reliance on the statements of the prosecutrix recorded under Section 164 Cr.P.C. vide Annexure P-2 and also before the Court as PW-3 vide Annexure P-3, to contend that the offence under Section 376 IPC is not at all made out against the accused-petitioner.

On the other hand, learned counsel for the State submits that prosecutrix was minor when she was kidnapped and he does not deserve concession of bail pending trial. He further submits that out of 16 prosecution witnesses, 6 have already been examined. He prays for dismissal of the bail application.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and particularly the statement dated 18.12.2014 suffered by the prosecutrix before the Court as PW-3, this Court is of the considered opinion that the petitioner deserves concession of bail pending trial.

The cross-examination of the prosecutrix reads as under:-

“Accused was known to me for the last one year

when I was studying in school at Bode. Accused was also student at School Bode and he used to go to School. Accused was student of +2. We oftenly travel by same tempo and I used to talk with accused sometime. I asked the accused a number of times to get marry with me. My parents were interested to marry me with Manga Singh of Moga but I was not interested to marry with him as my parents wanted to marry me with aforesaid Manga against my will and consent, then I proposed the accused for marry with me as accused was having love affairs with me. I also love affairs with accused even today. I am having liking with the accused. I accompanied accused to Shimla with my own consent and lived with him for 9 days at Shimla with my own consent as I was having strong love affairs with accused till today. Still I am interested to marry with accused. I developed physical relations to the accused with my own consent. The accused never committed rape upon me. My father got falsely implicated the accused as may parents were not interested to marry me with accused. I am 19 years in age at present. However, I accompanied the accused Shimla, I was 17 – ½ in age. I am living with my parents. I gave my statements in my examination in chief at the asking of my parents. My marriage was settled with Manga by my parents on 08.07.2014. My parents oftenly beaten to me.

In view of the above, present application is allowed and petitioner is directed to be released on bail pending trial on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM, Moga.

09.03.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE