

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

CRM No.M-7572 of 2015 (O&M)

Date of decision: 17.03.2015

Rajesh Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. L.S. Mann, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

.....

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner in case FIR No.9 dated 06.02.2013 under Sections 363/366-A IPC registered at Police Station Kanwan, District Pathankot (Sections 376/420/467/468/471 IPC and Section 8 of the POCSO Act added later on at the time of presentation of the challan).

Counsel for the parties have been heard at length.

Initially, FIR was lodged on the accusation that daughter of Ruldu Ram had eloped with the petitioner and the allegation was that the accused Rajesh Kumar had allured her with the intention to marry. The allegations contained in the FIR itself reflected that the prosecutrix had herself abandoned the house. Concededly, the present petitioner was granted the concession of pre-arrest bail vide order dated 09.04.2014 passed by this Court in CRM No.M-37316 of 2013.

Counsel for the petitioner would advert to document appended

at Annexure P-7, which is a certificate issued by the Health and Family Welfare Department, Government of Punjab, which would show the date of birth of the prosecutrix to be 25.05.1994. The date of alleged elopement of the prosecutrix with the petitioner is stated to be 03.02.2013. As such, on such date, the prosecutrix would be taken to be as major.

Learned State counsel upon instructions from ASI Gurinderpal Singh would also not dispute the factual assertion made by the counsel for the petitioner that the prosecutrix all through has been staying with the petitioner and even a female child has been born to them. Petitioner now has been arrested on 03.01.2015. Challan has been presented on 13.02.2015. The trial, as such, is at the very initial stage and would take time to conclude.

In the totality of circumstances, prayer made in the instant petition is accepted.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of Chief Judicial Magistrate, Pathankot/trial Court.

Disposed of.

17.03.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**