

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

Crl. Misc. No. M-44024 of 2016

Date of decision :- 14.12.2016

Gopi @ Kalu

....Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. J.S. Grewal, Advocate
for the petitioner

Mr K.D. Sachdeva, Addl.A.G, Punjab

RITU BAHRI, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner, in a case arising out of FIR No. 76 dated 13.07.2015, registered at Police Station Bahaw Wala, District Fazilka, who has been booked for having committed the offence punishable under Section 363/366 IPC (challan presented under Section 366/363/376 IPC and Section 3/4 of POCSO Act).

The allegation against the petitioner is that he had allured the the daughter of the complainant and taken her to Sirsa with the promise of marriage.

Learned counsel at the very outset has referred to statement of the prosecutrix who stated that she was in love with the petitioner and his wife also knows this fact. She further stated that her parents were not ready to marry her with the petitioner. On her call, the petitioner came and they went to Sirsa and remained there for one month. She went with the

petitioner on her own sweet will.

Reference has further been made to the statement of Prem Kumar alias Ram Avtar wherein he stated that her daughter was in love with the petitioner.

Learned State counsel on instruction submits that charges have been framed and out of 17 witnesses, 07 witnesses have been examined so far including the complainant and her daughter. The material witnesses have been examined

Heard.

Petitioner is in custody since 25.07.2015 and is a young boy and the prosecutrix developed love affair with him and had stated that she had gone with her own sweet will and had stayed at Sirsa.

Keeping in view the fact that the trial is likely to take some time to conclude and the fact that the prosecutrix was having love affair with the petitioner, the present petition is allowed. Petitioner is ordered to be released on bail during pendency of the trial of the present case, subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Fazilka.

14.12.2016

G Arora

(RITU BAHRI)

JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No