

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

**Criminal Misc. No. M-44182 of 2015
Date of decision: 28.04.2016**

Rohit @ Bhupinder

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

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

Ms. Ritu Punj, Addl. A.G., Punjab
for the respondent – State.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. on behalf of petitioner-Rohit @ Bhupinder for grant of regular bail in FIR No.82 dated 28.03.2015 registered under Sections 363, 366-A and 120-B of Indian Penal Code and Section 376 IPC as well as Section 4 of the Protection of Children from Sexual Offences Act, 2012, which were added later on, at Police Station Division No.5, Civil Lines, Ludhiana.

Learned counsel for the petitioner submits that the petitioner and sister of the complainant, namely, Pooja, solemnized their marriage on 06.04.2015. They appeared before Sessions Judge,

Ludhiana on 08.04.2015 and stated that they have solemnized their marriage against the wishes of their parents and relatives, which was not liked by them. The Sessions Judge, Ludhiana directed the officials to protect the lives and liberty of the petitioner. As per prosecution version, the age of the prosecutrix was approximately 17 years, which clearly shows that she was more than 16 years of age and was the consenting party. Moreover, at the time of recording of statement before Sessions Judge, nothing contrary was brought to his notice. Learned counsel further submits that the petitioner is in custody since 10.04.2015 and investigation has been completed as challan has been presented and no purpose would be served by keeping him in custody. Learned counsel for the petitioner also submits that the co-accused of the petitioner, namely, Satya Wati and Panna Lal have been released on regular bail by this Court. Learned counsel also submits that offence under Section 376 IPC has been deleted.

Learned State counsel has not disputed the custody period and the factum of grant of bail to co-accused. Learned State counsel also submits that the date fixed before the trial Court is 06.05.2016 and even the statement of the victim has not been recorded so far.

Keeping in view the submissions made by learned counsel for the petitioner and the fact that co-accused of the petitioner have been released on regular bail by this Court; it was a case of love marriage as the petitioner and sister of the complainant appeared

before the lower Court for grant of protection; moreover, co-accused have been released on bail; Section 376 IPC has also been deleted; the petitioner is in custody since 10.04.2015 and no purpose would be served by keeping him behind the bars and the trial may take some time to conclude, the present petition is allowed and the petitioner (Rohit @ Bhupinder) is directed to be released on regular bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court.

28.04.2016
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(DAYA CHAUDHARY)
JUDGE