

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

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**Criminal Misc. No. M-8301 of 2016
Date of decision: March 11, 2016**

Daljit Singh @ Jeetu

....Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

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

Mrs. Ritu Punj, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner, namely, Daljit Singh @ Jeetu in case FIR No.109 dated 27.07.2013 registered under Sections 363, 366 of the Indian Penal Code (Section 376 IPC was added later on) at Police Station Bhikhiwind, District Tarn Taran during pendency of the trial.

Learned counsel for the petitioner submits that the present

FIR was registered on the basis of complaint made by father of the prosecutrix. The complainant was major at the time of occurrence as her date of birth is 12.05.1994 as reflected in Voter Card which is annexed as Annexure P-4 with the petition. The daughter of the complainant has solemnized marriage with the petitioner as per her free will. Both the parties have also filed **Criminal Misc. No.M-30136 of 2013** for protection of their lives and liberty at the hands of private respondents before this Court and the same was granted vide order dated 10.09.2013. The victim is still residing in her matrimonial home. The victim and her mother have not supported the case of the prosecution before the trial Court. The victim has specifically stated in her statement that neither there was any kidnapping nor rape has been committed upon her. Similarly, the mother of the victim has stated in her statement that her daughter was neither kidnapped nor was raped by accused person. The petitioner is in custody since 14.05.2014 and all material prosecution witnesses have been examined.

Learned State counsel has not disputed the custody period as well as the fact that the victim and her mother have not supported the case of the prosecution.

Heard arguments advanced by learned counsel for the parties and have also perused the statements of the victim as well as her mother wherein they have not supported the case of the

prosecution.

Admittedly, the factum of marriage of the victim as well as filing of protection petition and grant of protection by this Court has not been disputed. The victim, namely, Paramjit Kaur is present in the Court, who has been identified by Investigating Officer, namely, Head Constable Jagjit Singh. On the asking of the Court, the victim has specifically stated that she is residing in her matrimonial home and the marriage was solemnized as per her free will.

In view of the submissions made by learned counsel for the petitioner and also the fact that it was a case of run-away marriage; no kidnapping or rape was there; the victim and her mother have not supported the case of the prosecution; the petitioner is in custody since 14.05.2014 and that no useful purpose would be served by keeping him behind the bars any further, the present petition is allowed. The petitioner, namely, Daljit Singh @ Jeetu is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

March 11, 2016
sonia gugnani

(DAYA CHAUDHARY)
JUDGE