

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Criminal Misc. No.M-9082 of 2016

Date of decision: April 01, 2016

Majnu

....Petitioner

versus

The 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. Baltej Singh Sidhu, Advocate for the petitioner.

Mr. Rupam Aggarwal, D.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-Majnu in case FIR No.377 dated 03.12.2015 registered under Sections 363/366-A/120-B of the Indian Penal Code at Police Station Tripri, District Patiala during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas no offence is made out against him. It was a case of love marriage and the victim herself filed an affidavit wherein she has stated her age to be more than eighteen years. A document dated 03.12.2015

(Annexure P-2) was also got prepared which was duly attested by Notary Public, Karnal wherein the age of the victim was stated to be more than eighteen years whereas in the FIR, the age of the victim was stated to be about seventeen years. It was the age of discretion as the victim was likely to complete eighteen years. Learned counsel also submits that the maternal aunt and mother of the victim have not supported the case of the prosecution. The petitioner is in custody since 04.12.2015 and the trial may take long time to conclude. No useful purpose would be served by keeping the petitioner behind the bars.

Learned counsel for respondent-State has not disputed the submissions made by learned counsel for the petitioner as well as the age of the victim.

Heard arguments advanced by learned counsel for the petitioner and have also perused the allegations levelled against the petitioner and other documents available on record including affidavit of the victim and document dated 03.12.2015 (Annexure P-2) which has been signed by the petitioner and the victim.

Admittedly, the affidavit (Annexure P-3) filed by the victim as well as the document dated 03.12.2015 (Annexure P-2) which was duly attested by Notary Public, Karnal and signed by the petitioner and the victim clearly shows that the age of the victim was stated to be more than eighteen years. It was also mentioned therein that they had solemnized their marriage without any pressure from either side. Moreover, the maternal aunt and mother of the victim have not

supported the case of the prosecution. The petitioner is in custody since 04.12.2015 and no useful purpose would be served by keeping him behind the bars any further.

Accordingly, the present petition is allowed and the petitioner, namely, Majnu is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

March 31, 2016
sonia gugnani

(DAYA CHAUDHARY)
JUDGE