

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1357-2017

Date of Decision:- 02.02.2017

Sumit

....Petitioner

Versus

State of U.T. Chandigarh

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Amit Kumar, Advocate
for the petitioner.**

**Mr. Gautam Dutt, Advocate
for the U.T.-State.**

RITU BAHRI, J. (Oral)

Present petition is for release of petitioner on regular bail in FIR No.139 dated 26.08.2016, under Sections 363, 366 and 376 IPC and Sections 4 and 6 of POCSO Act, registered at Police Station Maloya, U.T., Chandigarh.

Learned counsel for the petitioner submits that as per the statement given by Shivani (Annexure P-2), which was recorded under Section 164 Cr.P.C., she was earlier sexually exploited by one person by the name of Mukesh. With regard to the present petitioner, she stated that she likes him and they have made physical relations with consent but her family members were not agreed to their marriage and now she was pregnant as well.

Learned counsel for U.T. submits that the prosecutrix Shivani has since been expired on 21.11.2016 and she was 18 years of age. As per medical certificate, cause of death is septic shock with multi organ dysfunction and not on account of pregnancy.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

The petitioner was arrested on 27.08.2016. Since then, he is in judicial custody and no useful purpose would be served to further detain him in jail. The final conclusion of trial will take a long time.

In view of above facts, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Judge/Duty Magistrate, Chandigarh.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the main case, in any manner.

February, 02, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No