

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

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CRM-M-31096-2017

Date of Decision: 18.09.2017.

Javed Khan

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Paramjeet Singh Paul, Advocate for the petitioner.

Mr. Manreet Singh Nagra, Assistant Advocate General,
Punjab.

JAISHREE THAKUR, J.(Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.87 dated 10.05.2017, under Sections 363 & 366 of the Indian Penal Code and Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Machhiwara, District Ludhiana.

Counsel for the petitioner would contend that the petitioner has been in custody since 15.05.2017 and in the said proceedings, both, the prosecutrix and the complainant have been examined and she has, in fact, supported the statement as recorded by her under Section 164 Cr.P.C., wherein she had stated that she want to live with Javed, the petitioner herein, on her own free will.

Counsel for the respondent-State, on instructions from Head Constable Sanjeev Kumar, submits that after recording of the statement, the prosecutrix, in fact, refused to go with her parents and is now lodged in the Nari Niketan.

Without going into the merits of the case and keeping in view the fact that the trial is likely to take some time to conclude and the statement of the prosecutrix has already been recorded, the present petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(JAISHREE THAKUR)
JUDGE

18.09.2017
jitender sharma

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No