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

**CRM No.38164 of 2017 in/and
CRM-M No.34386 of 2017**

Date of decision: November 28, 2017

Sidhant Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vishavjeet Singh, Advocate
for the applicant/petitioner.

Mr. Saurav Khurana, DAG, Punjab
for the respondent/State.

LISA GILL, J.(ORAL)

CRM No.38164 of 2017

Copy of statement of the prosecutrix, Annexure PW-1 is taken
on record subject to just exceptions.

Application is allowed.

CRM-M No.34386 of 2017

Petitioner seeks concession of bail pending trial in FIR No.81
dated 28.04.2017 registered under Sections 363, 366-A, 120-B of Indian
Penal Code and later on added Section 376 IPC and Sections 4 to 8 of
Prevention of Children from Sexual Offences Act (POCSO Act), 2012,
Police Station City Phagwara, District Kapurthala (Punjab).

It is submitted that the victim in fact had friendly relations with
the petitioner. However, the victim's parents were not in favour of this
alliance. The victim was in fact proceeding to commit suicide after being
expelled from her parental home in 2017 but was stopped by the petitioner.

The victim proceeded to Jammu on 6th March, 2017. The complainant

along with number of persons came to Jammu and agreed to marry his daughter with the petitioner. Shagun was also given to the petitioner. However, on return to Phagwara, the complainant refused to permit marriage between the petitioner and his daughter. The victim on 19th April, 2017 again left her house. Marriage was solemnized by the complainant and the petitioner. However, they were apprehended on 14th June, 2017. Learned counsel for the petitioner submits that the victim in her statement under Section 164 Cr.P.C. has narrated these facts. Moreover, she has testified before the learned trial Court on 15th November, 2017. She has yet again narrated the same facts as above. Reference is made to her statement (Annexure A-1) in this regard. It is, thus, prayed that this petition be allowed.

Learned counsel for the State while not denying the stand taken by the victim, submits that her consent or otherwise is irrelevant as she is a minor. Thus this petition be dismissed.

Heard learned counsel for the parties.

Learned counsel for the State is unable to deny the statement of the victim recorded under Section 164 Cr.P.C. as well as her testimony before the learned trial Court. The effect or otherwise thereof, is needless to say, in the domain of the learned trial Court. Petitioner is not reported to be involved in any other case. There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. Trial in this case is not likely to conclude in the near future. No useful purpose shall be served by incarcerating the petitioner any longer.

Keeping in view the facts and circumstances of the case but without expressing any opinion on the merits thereof, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

November 28, 2017
m. sharma

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No