

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

Crl. Misc. M-37558 of 2017 (O&M)

Date of Decision: October 27, 2017

Makahn

...Petitioner

Versus

State of Punjab and another

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vikram Preet Arora, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG Punjab.

Mr. V.P. Singh, Advocate
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.13 dated 24.01.2016, under Sections 363, 366 of Indian Penal Code registered at Police Station Kamboj, District Amritsar Rural.

Learned counsel for the petitioner contends that the complainant is in fact 21 years old and was in a relation with the younger brother of the accused-Makahn, the petitioner herein. In fact, after lodging of the FIR on 24.01.2016, she has solemnized marriage with Hakam Deen on 20.09.2017 and after the solemnization of the said marriage, Criminal Misc. M-39006 of 2017 has been filed in this court seeking protection of

their life and liberty, at the hands of her family members. It is submitted that petitioner is falsely implicated in the present case and therefore, entitled to be enlarged on bail.

Counsel for the complainant submits that the complainant does not have any objection to the grant of regular bail, while affirming the fact that complainant has solemnized a marriage under the Muslim law with the younger brother of the petitioner-Makahn.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from ASI Kabal Singh, opposes the grant of regular bail in general, while submitting that investigation is complete and challan is likely to be presented.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the fact that complainant herself has no objection in case, regular bail is granted to the petitioner, she is residing in the matrimonial home along with the younger brother of the petitioner, useful purpose would be served in keeping the petitioner behind the custody. Moreover, the investigation is complete and challan presented. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

October 27, 2017

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No