

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

**CRM No.M-42177 of 2016 (O&M)
Decided on: 15.05.2017**

Tejinder Singh @ Gora and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Parveen Kataria, Advocate for the petitioners.

Mr. Ankur Jain, AAG, Punjab.

REKHA MITTAL, J. (Oral)

The petitioners pray for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.130 dated 13.07.2013, for offence punishable under Sections 363, 366, 506 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') (Section 376 IPC added later) registered in Police Station Cantonment, District Amritsar City.

Counsel for the petitioners has submitted that the prosecutrix, aged more than 18 years at the time of alleged offence, had gone with Tejinder Singh @ Gora and performed marriage. The prosecutrix and the petitioner filed a joint petition seeking protection to their lives and liberty but before an order could be made by the Court, the girl was taken away by her parental family members. It is further submitted that Lakhwinder Singh, one of the relatives of the petitioners filed CRWP No.1368 of 2013 for release of detenues namely Tejinder Singh, Kiranpreet Kaur and Nirmal Singh @ Sonu from custody of

respondents No.3 to 7 therein. In the said case, an enquiry was ordered to be conducted by the Sessions Judge, Amritsar in order to know if the report of warrant officer is correct or otherwise with a further direction to record the statements of the petitioner and two alleged detenues. It is further argued that the Sessions Judge, Amritsar submitted a report dated 11.09.2013 wherein it was held that Kiranpreet Kaur had gone with Tejinder Singh of her own and she performed marriage with Tejinder Singh of her own will, as noticed in the order dated 10.03.2016 passed in the CRWP. Further submitted that both the petitioners are in custody since 11.08.2016. The prosecutrix has already been examined and conclusion of trial is likely to take its own time. It is further submitted that even the prosecutrix has admitted the factum of marriage though with the plea that it was under pressure.

Counsel for the State has opposed the prayer for bail with the submission that in view of gravity of allegations, the petitioners do not deserve to be enlarged on bail.

I have heard counsel for the parties, perused the paperbook and the police records.

Concededly, the petitioners are facing trial for the charged offences. The prosecutrix has already been examined. Counsel for the State has not disputed the facts on record with regard to filing a writ petition and the report submitted by the Sessions Judge, Amritsar. Conclusion of the trial is likely to take its own time.

Without meaning to express any opinion on merits of the case, bail to the petitioners subject to satisfaction of the trial Court.

However, they shall remain bound by the following conditions:-

(i) They shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer; and

(ii) They shall not leave India without the previous permission of the Court.

15.05.2017

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(REKHA MITTAL)
JUDGE