

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

-.-

CRM M 42243 of 2016 (O&M)
Date of decision: 15.02.2017

Vikas Kumar

..... Petitioner

Versus

State of Punjab

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present : Mr. Dhawal Jeet Dutta, Advocate
for the petitioner

Mr. Ankur Jain, AAG Punjab

-.-

Rekha Mittal, J. (Oral)

CRM 3962 of 2017

Allowed as prayed for and Annexure P5 is taken on record.

CRM M 42243 of 2016

The petitioner prays for grant of bail in anticipation of arrest as he has been summoned as an additional accused to face trial for committing offence punishable under Sections 363, 366, 366-A, 376 read with Section 120-B of the Indian Penal Code (in short, 'IPC') and Section 4/17 of the Protection of Children from Sexual Offences Act, 2012.

Counsel for the petitioner has submitted that Vishal, cousin of the petitioner is facing trial on the basis of FIR No. 111 dated 09.07.2012 (Annexure P1) registered in Police Station Batala, District Gurdaspur. After

recording statement of the prosecutrix, four persons namely Goldy, Mukesh, Sharda and Vikas (petitioner herein) were summoned as additional accused under Section 319 of the Code of Criminal Procedure (in short, Cr.P.C.). It has further been submitted that all the remaining three persons summoned as additional accused have been allowed benefit of bail in anticipation of arrest by this Court. According to counsel the alleged victim performed marriage with Vishal and they filed a petition (CRM M 25488 of 2014 seeking protection to their lives and liberty on the premise that they have performed marriage against wishes of parents of the girl. The said petition was eventually dismissed by this Court for the reason that the girl was minor at the time of alleged marriage; she filed a false affidavit with regard to her having attained the age of majority and the petitioners have tried to misrepresent the Court by stating wrong facts.

Taking into account the averments made in the petition seeking protection coupled with the factum that the petitioner has been summoned as an additional accused under Section 319 Cr.P.C. and he is ready to face the proceedings in accordance with law, the present petition stands disposed of with a direction that the petitioner would cause appearance before the trial Court within a period of ten days and on his appearance there, he shall be released on bail subject to satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) that he 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 him from disclosing such facts to the Court or to any police officer;

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

(Rekha Mittal)
Judge

15.02.2017
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