

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

CRM No. M-4456 of 2017

Date of decision: 17.03.2017

Sukhjinder Singh

..... Petitioner.

Versus

State of Punjab

..... Respondent.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Damandeep Singh, Advocate, for the petitioner.

Mr. K.D. Sachdeva, AAG, Punjab.

LISA GILL, J.

The petitioner prays for grant of bail pending trial in FIR No. 171 dated 23.12.2016 registered under Sections 363,366-A, 376 of the IPC read with Section 4-A of the Protection of Children from Sexual Offence Act, 2012 at Police Station Kharar, District S.A.S Nagar.

It is submitted that the petitioner and the complainant's daughter solemnized marriage against his wishes on 18.12.2016. The alleged victim in this case has suffered a statement under Section 164 Cr.P.C in the petitioner's favour and has categorically stated that she accompanied the petitioner out of her free will and solemnized the marriage with him. It is submitted that she has clearly stated that she is 18 years old. She has wrongly been mentioned to be 17 years old by the complainant. Ossification test of the victim was conducted according to which she is 17-19 years old. Furthermore, even as on date she is lodged at Nari Niketan, Jalandhar as she has refused to accompany her parents. It is thus, prayed that this application be allowed.

Learned counsel for the State on instructions from ASI Gurnam Singh, Police Station Kharar, SAS Nagar, Mohali verifies the above said

position in regard to the statement suffered by the victim under Section 164 Cr.P.C. It is also affirmed that she refused to accompany her parents and is lodged at Nari Niketan, Jalandhar. Learned counsel for the State informs that the challan/final report under Section 173 Cr.P.C in this case has been presented on 16.03.2017.

Heard learned counsel for the parties.

Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer. No recovery is to be effected from him. Final report/challan under Section 173 Cr.P.C. has since been presented. Therefore, in the given factual matrix but without expressing any opinion on the merits of the case, it is considered just and expedient to allow this petition.

Consequently, the petitioner shall be released on bail pending trial in case FIR No. 171 dated 23.12.2016 registered under Sections 363, 366-A, 376 of the IPC read with Section 4-A of the Protection of Children from Sexual Offence Act, 2012 at Police Station Kharar, District S.A.S, Nagar, subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

(LISA GILL)
JUDGE

17.03.2017
PA

Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*