

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

CRM-M-44862-2017 (O&M)
Date of decision : 01.12.2017

Anil @ Budda

...Petitioner

Versus

U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rohit Mahajan, Advocate for the petitioner.

Mr. Parveen Chauhan, Advocate,
for Mr. G.S. Wasu, APP, U.T. Chandigarh,
assisted by SI Labh Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.102 dated 26.05.2017, registered under Section 363 of the Indian Penal Code, at P.S. Sector 11, Chandigarh.

Contends that the petitioner and the prosecutrix are in a relationship and want to marry each other. The prosecutrix always projected herself to be major. She out of her own free-will, joined the company of the petitioner and remained with him for about two weeks.

On the other hand, learned counsel appearing on behalf of the U.T. Administration, on instructions, submits that the prosecutrix is minor, however, he admits that as per the ossification test, her age has been found to be between 17 to 19 years. The trial is in progress and out of 13 prosecution witnesses, 4 have already been examined.

Heard.

Keeping in view the assertion that the petitioner and the prosecutrix were in love affair and facts that the petitioner is behind the bars

since May, 2017 and nine prosecution witnesses are still to be examined, this Court feels that no useful purpose would be achieved in keeping the petitioner under further incarceration.

In view of the above, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

01.12.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No