

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

CRM-M-45179-2017 (O&M)
Date of decision : 20.12.2017

Gursewak Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Monty Goyal, Advocate for the petitioner.

Ms. Gulnoor Ghumman, AAG, Punjab,
assisted by HC Gurbakshish Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking bail in FIR No.147 dated 25.05.2017, registered under Sections 363 and 366-A of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012, at P.S. Samrala, District Ludhiana.

Contents that the petitioner and the prosecutrix are in a relationship. The petitioner intends to marry her. In the statement recorded under Section 164 of the Cr.P.C., the prosecutrix has specifically stated that she out of her own free will, accompanied the petitioner and was neither enticed by him, nor any physical assault was made by the petitioner. It is further submitted that the prosecutrix always projected herself to be major.

On the other hand, learned State counsel, on instructions, submits that the prosecutrix is a minor. The challan stands presented and the charges have been framed. Out of twelve prosecution witnesses, none has been examined so far.

Heard.

Keeping in view the fact that the petitioner is in custody since 19.05.2017 and the trial is yet to commence, 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.

20.12.2017
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No