

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

**Criminal Misc. No. M-48030 of 2017
Date of Decision:-21.12.2017**

Prem Pal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Mr. Ashish Bakshi, Advocate
for the petitioner.

Mr. H.S. Grewal, Additional A.G., Punjab.

FATEH DEEP SINGH J.(Oral)

The allegations against the petitioner Prem Pal in this regular bail application under Section 439 Cr.P.C. in case FIR No.374 dated 02.11.2017, under Sections 363, 366-A of IPC, registered at Police Station Zirakpur, District SAS Nagar, Mohali (Punjab), are that on 12.9.2017 the minor girl Neelam is alleged to have eloped to undergo marriage with the son of petitioner namely Ram Kishore leading to registration of the present case.

The contentions of learned counsel for the petitioner are that the petitioner has no specific role to play in the commission of alleged offence and being father of the boy, who has undergone run away marriage with the daughter of the complainant Sadhu Ram, therefore, it is volition of

the couple in which petitioner has been falsely implicated.

State counsel has opposed the grant of bail to the petitioner on the pretext that the girl is minor, however, he admitted the factual scenario that the couple has undergone marriage and gone missing, it would send wrong signal to the society.

Appreciating the submissions, admittedly the couple have under went marriage on their own. The petitioner happens to be father of the boy and there are not specific allegations against him and he has also undergone incarceration for the period since 09.11.2017. Keeping in view the period of incarceration of the petitioner and the fact that culpability, if any, shall be determined at the time of trial together with the fact that the trial is not likely to accomplish in near future and no useful purpose will be served by keeping the petitioner further in judicial custody, the present petition is allowed. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, SAS Nagar, Mohali.

The petition stands disposed off accordingly.

December 21, 2017
Vijay Asija

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No