

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

CRM-M No. 9790 of 2017(O&M)

Date of decision: 28.3.2017

Dinesh and another

....Petitioners

VERSUS

Union Territory, Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ashok Bhardwaj, Advocate for the petitioners.

Mr. Gautam Dutt, APP, U.T. Chandigarh.

REKHA MITTAL, J.(Oral)

The petitioners pray for grant of regular bail in FIR No.300 dated 10.11.2016 registered with Police Station Sector 31, Chandigarh for offence punishable under Sections 363, 366, 376, 120-B of the Indian Penal Code, 1860 (in short 'IPC') and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

Counsel for the petitioners has submitted that the allegations against the petitioners are that they aided the main accused Ravinder in taking away the prosecutrix who has already been recovered and subject to medical examination. It is further submitted that as per history/brief description of the incident recorded in her medical examination, the girl aged about 17 years eloped from her house on 10.11.2016; stayed with a known male for about 17 days and had consented sexual relation multiple times with him. It is further argued that the main accused is yet to be arrested in the case and the petitioners are no longer required for the

purpose of investigation and they are ready to face the proceedings in accordance with law.

Counsel for the State has opposed prayer for bail with the submission that the prosecutrix is 17 years and 2 months old as per date of birth 24.09.1999 recorded in school report card.

I have heard counsel for the parties, perused the paper-book and the police records.

The petitioners had been remanded to judicial custody, therefore, no longer required for the purpose of investigation. The main accused in the case is yet to be arrested. Counsel for the State has not disputed the facts highlighted by counsel for the petitioners recorded in medical examination of the prosecutrix.

Without meaning to express any opinion on merits of the case, the petitioners shall be released on bail subject to furnishing bail bonds to the satisfaction of the trial Court. However, they shall abide by the following conditions:-

- (i) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him/her from disclosing such facts to the Court;
- (ii) they shall not leave India without previous permission of the Court.

MARCH 28, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no