

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

Criminal Misc. No.M- 10481 of 2018(O&M)

Date of Decision: March 19 , 2018.

Ramandeep Kumar

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Baldev Singh Sodhi, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner, aged 19-1/2 years, prays for bail pending trial in FIR No.312 dated 03.12.2017 under Sections 363/366A IPC, registered at Police Station City Rajpura, District Patiala.

As per allegations in the FIR, the victim went missing from her home on 01.12.2017. The present FIR was registered on 03.12.2017 with the allegations that the complainant's daughter had been kidnapped by the present petitioner on the pretext of performing marriage with her. She was recovered on 20.12.2017. In her statement under Section 164 Cr.PC., the victim stated that

she on her own went with the petitioner as she wished to get married with him.

Learned counsel for the petitioner vehemently argues that no offence punishable under Sections 363/366A IPC is made out against the petitioner. It is submitted that marriage between the petitioner and the complainant's daughter was solemnized on 09.12.2017 according to Hindu rites and ceremonies. Moreover, final report under Section 173 Cr.P.C. has since been presented. It is submitted that the petitioner who is a young boy, is not involved in any other criminal case. The petitioner undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the State has opposed this petition while submitting that the victim in this case is a minor being short of 18 years by a few months, thus the question of consent or otherwise is irrelevant. Alleged marriage of the petitioner with the victim has not been verified. The victim in this case is presently residing with her parents. On instructions from ASI Jaswinder Pal, it is verified by learned counsel for the State that the petitioner, aged about 19½ years is not involved in any other criminal case.

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 in the present facts and circumstances of this case. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is

allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant, victim/any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

March 19 , 2018.
'om'

**(LISA GILL)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No