

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

Crl. Misc. No.14383 of 2018 in/and
Crl. Misc. M-11390 of 2018 (O&M)
Date of Decision: April 24, 2018

Raju

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. D.S. Nigha, Advocate
for the applicant-petitioner.

Mrs. Anju Arora, Addl. AG Punjab.

JAISHREE THAKUR, J. (Oral)

CRM-14383-2018

This application has been preferred seeking amendment/
correction in the head note of the main petition.

Application stands allowed and the amended/corrected head
note of the petition is taken on record.

Main case

The instant petition has been filed under Section 439
Cr.P.C. for grant of regular bail to the petitioner in case FIR No.185
dated 16.08.2017, under Sections 363, 366 of Indian Penal Code
(offence under Section 376 IPC added later on), registered at Police
Station Phase-I, Mohali.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 02.12.2017. It is argued that the offence under Section 376 of Indian Penal Code is not borne out, on account of the fact that the prosecutrix is a major and has stated that she has left voluntarily in the company of the petitioner herein. Learned counsel for the petitioner also produces on record copy of order dated 16.01.2018 wherein, the Chief Judicial Magistrate, SAS Nagar, Mohali, had taken note of the statement of the prosecutrix whereby she had stated that she would be ready to accompany her mother on a condition that she should not be compelled to marry someone else except Raju, with whom she had married out of her own free will. It is also contended that the petitioner is falsely implicated in the present case, therefore, he is entitled to be enlarged on regular bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offences alleged against the petitioner are serious in nature.

I have heard learned counsel for the parties.

In view of the statement of the prosecutrix recorded under Section 164 Cr.P.C. and the facts that the petitioner herein has been in custody since 02.12.2017 and that conclusion of trial will take sufficient time, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on

regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

April 24, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No