

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

Criminal Misc. No.M-14618 of 2018(O&M)

Date of Decision: April 19, 2018.

Rajwinder Singh @ Raja

Petitioner.

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Abhey Singh, Advocate
for Mr. Ashok Paul Batra, Advocate
for the petitioner.

Ms. Seena Mand, DAG., Punjab.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.26 dated 31.03.2017, under Sections 363, 366-A, 376 IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, registered at Police Station Sadar Abohar, District Fazilka.

It is submitted that no offence punishable under Sections 363, 366-A, 376 IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, is made out against the petitioner. In-fact, the petitioner and sister of the complainant, who is major, had friendly relations with each other and they solemnized marriage on 25.03.2017.

Moreover, the victim in this case has not supported the prosecution case. She specifically stated that the petitioner never enticed her with any assurance of marriage and neither was she taken away to any place by the petitioner. Copy of the statement of the victim(PW-1) is attached alongwith this

petition as Annexure P-2. It is thus prayed that this petition be allowed.

Learned counsel for the State is unable to deny that the victim in this case has not supported the prosecution case, though, it is submitted that as per the birth certificate on record, the victim is a minor her date of birth being 03.05.2001.

Be that as it may, appreciation of evidence is in the domain of the learned trial Court and no opinion is being expressed thereon.

Learned counsel for the State, on instructions from HC Bhagwan Singh, verifies that the petitioner is not involved in any other criminal 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. 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 facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition filed by Rajwinder Singh @ Raja, 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 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.

19.04.2018
s.khan

[LISA GILL]
Judge

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