

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
275**

CRM-M-14621-2018

Date of decision:16.05.2018

Sushil Kumar

...PETITIONER

Vs.

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Inder Pal Singh, Advocate,
for the petitioner.

Mr. Kuldeep Singh, Sr. DAG, Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No. 321 dated 08.09.2017 registered under Section 376 IPC, Police Station Focal Point, District Police Commissionerate, Ludhiana.

It is the contention of the learned counsel for the petitioner that in the FIR itself, it is mentioned that there was a love affair between the petitioner and the complainant. He contends that going by the allegations in the FIR itself, the relationship between the petitioner and the complainant was for almost 6 years and, therefore, they had been meeting each other. They do have physical relations also as per the allegations in the FIR. It is stated that when the petitioner had refused to marry the complainant, the present FIR has been got registered by her. Counsel contends that the petitioner is 20 years of age and is a student of Bachelor of Business Administration (Final Year). He contends that the petitioner is in custody since 08.09.2017 and till date, no witness has been examined out of 15 witnesses. He, therefore, prays that the present petition be allowed and the

petitioner be granted the benefit of bail.

Counsel for the State, on instructions from ASI Harjit Singh, Police Station Focal Point, Ludhiana, could not dispute the factual assertions, as have been made by the counsel for the petitioner. He, however, states that at the time of alleged commission of offence, it may appear to be a case where the age of the girl would not be of consenting and, therefore, the petitioner had committed an offence, for which he is being tried. That apart, he contends that as per the provisions of the Code, offence against the petitioner is clearly made out. He, however, could not dispute the fact that till date, no witness has been examined.

Having considered the submissions made by the counsel for the parties, the prayer made in the application is allowed as till date, none of the witnesses has been examined and the petitioner is in custody since 08.09.2017. It may be added here that the petitioner is a student and 20 years of age, therefore, continuation of the petitioner in jail, at this stage, would not be conducive. Petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate.

Any observations made herein above shall have no bearing on the merits of the case in any manner.

May 16, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No