

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

CRM-M-14821-2018
Date of decision: 06.08.2018

Pardeep Kumar @ Balram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. L.M. Gulati, Advocate,
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.78 dated 12.09.2017 under Sections 363, 366-A, 120-B IPC and Section 376 IPC and Section 6 of POCSO Act has been added later on, registered at Police Station Ramdass, District Amritsar.

Learned counsel appearing on behalf of the petitioner would contend that a marriage was solemnized between him and the prosecutrix i.e. the daughter of the complainant and thereafter they approached this Court by way of filing CRM-M-35546-2017 seeking protection, which was allowed by order dated 26.09.2017. However, despite the said marriage the petitioner has been in custody since 26.09.2017 and the trial is likely to take some time. In this background, he prays for grant of bail to the petitioner.

Per contra, learned counsel appearing on behalf of the complainant argues that the prosecutrix has made a statement before the Court stating that the marriage was never solemnized with the accused since the Pandit in the Mandir had refused to perform the marriage ceremony while further submitting that she had been under pressure and threat of the petitioner.

Ms. Rajni Gupta, learned Sr. DAG, Punjab submits that the statement of the material witnesses has been recorded while submitting that out of 20 witnesses 5 have been examined.

I have heard learned counsel for the parties.

In view of the fact that the statement of the material witnesses has been recorded, without expressing any opinion on merits of the case, the petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.
- (iii) He shall not leave the country without the previous

permission of the Court.

Petition stands allowed.

06.08.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.