

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

**CRM-M No. 26773 of 2018 (O&M)
DATE OF DECISION :- August 24, 2018**

Markas

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Piyush Sharma, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

CRM No. 26186 of 2018

This is an application for placing on record Adhaar Card of Seeta wife of Markas and Cristal daughter of Markas as Annexure P3 and P4 and to place on file order dated 12.7.2018 granting bail to Seema as Annexure P5.

Heard.

Allowed subject to all just exceptions.

CRM-M No. 26773 of 2018

This petition for regular bail has been filed by petitioner Markas, an accused in F.I.R. No. 99 dated 19.4.2018 for offences under Sections 376 IPC, Section 6 and 17 of POCSO Act registered with Police Station Sadar Ferozepur, District Ferozepur on the allegations that in August, 2017 while victim Sandhya daughter of Sawan @ Nonni caste

Balmiki resident of Ward No. 13, House No. 285, Ferozepur City, aged about 15 years was sick and lying on bed. Her mother Seema had eloped with Markas (present petitioner) several years back and has been residing with him, visiting her children occasionally and they took her to some persons who put a Taviz in her neck and subsequently in the month of November, 2017 Seema and Markas performed marriage of the victim with Ajay against her wishes and without obtaining consent of her father. Thereafter Ajay maintained physical relations with her.

The accused was arrested in this case on 28.4.2018. Presently he along with his co-accused is facing trial. He had moved an application for regular bail before the Court of Sessions which was declined as such he has approached this Court asking for similar relief. The request is being opposed by learned State counsel.

I have heard learned counsel for the petitioner, learned State counsel besides going through the record.

It has been pointed out by counsel for the petitioner that Seema-mother of the victim whose role in the incident was on a larger scale has since been granted regular bail by learned Sessions Judge, Ferozepur. Copy of order in that regard has been placed on record. Further more there are no allegations of physical assault against the present petitioner. Even on the ground of parity, the present petitioner deserves to be granted bail.

Therefore, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Ferozepur subject to the following conditions : -

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the order shall be liable to be withdrawn.

(H.S. MADAAN)
JUDGE

August 24, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No