

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

CRM-M-33198-2018 (O&M)

Date of Decision: 03.10.2018

Alekh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. A.P. Batra, Advocate
for the petitioner(s).

Mr. Jagmohan Ghumman, D.A.G., Punjab.

Mr. H.P.S. Ishar, Advocate
for the complainant.

ANITA CHAUDHRY, J

CRM-34945-2018

Application is allowed as prayed for.

CRM-M-33198-2018

Petitioner is seeking regular bail in FIR No.39 dated 09.05.2018 registered under Sections 363, 366-A & 376 of IPC at Police Station Balongi, District SAS Nagar, Mohali.

Learned counsel for the petitioner contends that the petitioner is in custody since 24.06.2018 and challan has been presented. Counsel further submits that the certificate which the complainant's side had presented was found to be false as the girl had never studied in that school and ossification test has been carried out and the age is stated to be 19-20 years old. Counsel

further submits that the girl had not made any allegation of rape in her statement given under Section 164 Cr.P.C. and the petitioner had got married and they have placed on record the photographs annexed as Annexure P-3. Counsel also states refers to the copy of the Aadhar Card and states that the year of birth is mentioned as 1994.

Counsel appearing for the complainant states that the original Aadhar card is with them and there the year of birth is 2002.

Girl was missing since 09.05.2018 and was recovered on 25.05.2018. Statement of the girl had been recorded wherein she had deposed about their visit to Varanasi. No accusation of rape were made. Petitioner states that they had got married.

The trial would take time. Without commenting anything on the merits of the case, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing surety and adequate bail bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate with a condition that the petitioner would not contact the prosecutrix or her family till the trial is over.

October 03, 2018*ps-I***(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No