

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

Criminal Misc. No.M- 3330 of 2018(O&M)

Date of Decision: February 01 , 2018.

Rahul Kumar

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Liaqat Ali, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.164 dated 01.06.2016 under Sections 363/366/376/506 IPC, registered at Police Station Basti Jodhewal, Ludhiana.

It is submitted that the petitioner and the complainant's daughter had a deep affection for each other and wished to get married. However, this was not to the liking of the family of the prosecutrix. The prosecutrix out of her own accord accompanied the petitioner on the intervening night of 28th and 29th of May, 2016. The petitioner solemnized marriage with the prosecutrix. It is

thereafter under pressure of her family that the prosecutrix has raised allegations against the petitioner. The prosecutrix, it is submitted, has since testified before the learned trial court. Learned counsel for the petitioner submits that the prosecutrix in her cross-examination has admitted that her family members including parents, brother and grandparents were present in the house on 28.05.2016. She herself unlocked the main gate and accompanied the petitioner on his motorcycle. It is further pointed out that the prosecutrix remained with the petitioner till 02.06.2016. Both of them even travelled in a train, but the prosecutrix admitted that she did not raise any alarm at any place. The prosecutrix is admittedly 18 years of age. It is argued that in such circumstances, the prosecution case is decidedly doubtful. The complainant as well as prosecutrix have testified before the learned trial court. Testimonies of the prosecutrix (PW2) and the complainant (PW1) are attached as Annexures P1 and P2, respectively, with this petition. It is submitted that the petitioner, aged 21 years has been in custody since 03.06.2016 and is not involved in any other criminal case. The petitioner undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Hardeep Singh, verifies that the petitioner is not involved in any other criminal case. It is not denied that the prosecutrix (PW2) and the complainant, her father (PW1) have deposed before the learned trial court. It is submitted that there are 21 prosecution witnesses out of which, seven (7) have been examined.

Trial in this case is not likely to conclude in the near future. 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.

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 Rahul Kumar 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 made clear that the petitioner shall not directly or indirectly try to contact the complainant, prosecutrix or any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

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.

February 01 , 2018.
'om'

**(LISA GILL)
JUDGE**

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