

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

CRM-M- 40123-2018 (O&M)

Date of Decision: October 15, 2018

Jagjiwan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. C.S. Jattana, Advocate for
Mr. A. S. Gill, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 42 dated 04.06.2017 registered under Sections 363, 366-A of the Indian Penal Code at Police Station Badhni Kalan, District Moga.

At the very outset, learned counsel for the petitioner contends that the petitioner and the daughter of the complainant has solemnized the marriage. Learned counsel for the petitioner further contends that the petitioner herein was taken into custody in the aforesaid FIR on 11.06.2018. It is submitted that the petitioner has been falsely implicated in the present

case. It is also contended that the matter has been compromised and under Section 164 the statement of the prosecutrix has been recorded in which she did not support the version of the prosecution and submitted that she left home with the petitioner with her own consent and conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

The prosecutrix who is present in the Court submits that she left home to solemnize marriage with the petitioner and is now residing in her matrimonial home with the parents of the petitioner and out of this wedlock she is pregnant.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer and complainant, oppose the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, she does not dispute the fact that prosecutrix has solemnized the marriage with the petitioner and living with him in his house.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that that the petitioner herein has been in custody since 11.06.2018 and that statement of the prosecutrix has been recorded in which the prosecutrix has not supported the version of the prosecution and have solemnized the marriage with the petitioner and out of which wedlock she is pregnant, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on

execution of adequate personal bonds and surety bonds to the satisfaction of
concerned trial Court/Duty Magistrate.

October 15, 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No