

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-43662 of 2018
Date of decision : October 29, 2018

Jagdeep Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Saroj Bala, Advocate, for the petitioner

Ms Samina Dhir, DAG, Punjab for the State with
ASI Boota Singh, PS Shambu District Patiala

Ms. Manpreet Ghuman, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

This order shall dispose of first regular bail application of accused-petitioner Jagdeep Singh who is in custody since 23.8.2018.

The brief allegations that have been pointed out before the Court during the course of submissions are that it was on 19.7.2018 a minor girl daughter of complainant Saleem Khan eloped with the petitioner and was subsequently recovered on 23.8.2018 and since then she is residing in Nari Niketan, Jalandhar.

Ms. Saroj Bala, counsel for the petitioner has submitted that the petitioner is behind the bars and that the girl on her own voluntarily went away and has since been recovered and refused to live with her parents because of her relationship with the petitioner and on account of being inter-religion relationship, the present case has been foisted upon him and has sought to place reliance on Annexure P/1, two photographs.

Ms. Dhir learned State counsel assisted by Ms. Manpreet Ghuman, counsel for the complainant has opposed the grant of bail on the grounds that the girl is a minor aged around 17 years 3 months and the trial is under way and if allowed bail, the petitioner would influence the witnesses and in view of the seriousness of allegations, does not call for grant of bail.

Appreciating the submissions, the girl belongs to Muslim community and under the Muslim law above 15 years is deemed to be of marriageable age, a major, thus, a debatable issue having arisen over the same together with the fact that the girl has refused to accompany the parents and is lodged in the Nari Niketan. Further more the girl has also declined to undergo medical examination and there is no serious allegations except the fact of her elopement voluntarily with the petitioner. Culpability if any shall be determined at the time of trial and the trial is not likely to be concluded in near

future, no useful purpose will be served by retaining the petitioner in custody. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Patiala.

The present petition stands disposed off accordingly.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

October 29, 2018
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No