

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

Crl. Misc. M-46167 of 2018 (O&M)
Date of Decision: October 26, 2018

Sukhbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. A.K. Garg, Advocate
for the petitioner.

Ms. Rajni Gupta, Senior DAG Punjab.

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.51 dated 30.06.2018, under Sections 363, 366-A of Indian Penal Code (Section 376 of IPC and Section 4 of POCSO Act added later on), registered at Police Station Sadar Ahmedgarh, District Sangrur.

Mr. Mohd. Yousaf, Advocate puts in appearance on behalf of the complainant and files the memo of appearance, which is taken on record.

Learned counsel for the petitioner herein contends that the petitioner and the daughter of the complainant have solemnized a marriage and out of this union, the daughter of the complainant is pregnant. It is argued that CRWP No.559 of 2018 had been filed by the complainant

seeking custody of Amritpal Kaur and in those proceedings, she had categorically denied going back with her parents. It is also submitted that the Coordinate Bench in CRWP No.559 of 2018 had taken note of the fact that the detinue namely Amritpal Kaur is residing with the maternal aunt of the petitioner herein, while also taking note of the fact that she was interested in getting married to him. It is also contended that conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer as well as counsel for the complainant oppose the grant of regular bail to the petitioner, while submitting that the offences alleged against the petitioner are serious in nature.

I have heard learned counsel for the parties.

A perusal of the police file reflects that in her statement recorded under Section 164 Cr.P.C., the daughter of the complainant has categorically submitted that she had left her house voluntarily. In fact, it was on account of the harassment meted out to her at the hands of her mother, she called the petitioner to take her away. There are no allegations of Section 376 of Indian Penal Code made out on that point in time. Since the trial is likely to take sufficient time and in view of the facts that the petitioner herein has been in custody since 03.07.2018 and that investigation in the matter is complete, as the case is now fixed for prosecution evidence, 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 bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

October 26, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No