

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

CRM-M-50398-2018

Date of decision: 14.12.2018

Sarabjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Gaurav Singla, Advocate,
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. Ramandeep Singh, Advocate,
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.121 dated 16.08.2018 under Sections 363, 366-A, 420, 467, 468, 471 IPC and Sections 11 & 12 of POCSO Act, registered at Police Station Sadar Raikot, District Ludhiana.

Learned counsel for the petitioner would contend that daughter of the complainant solemnized a marriage out of her own free will and had even approached this Court independently by filing CRM-M-35400-2018 seeking necessary directions for protection of her life and liberty. Even in her statement that has been suffered by her under Section 164 Cr.P.C. has stated that she had gone willingly.

Learned counsel appearing on behalf of the respondent-State while opposing the bail application submits that the investigation in the matter is complete and the allegations against the petitioner are serious in nature.

Mr. Ramandeep Singh, Advocate has filed power of attorney on behalf of the complainant. He opposes the grant of bail by contending that false averments have been made in this Court at the time of seeking protection since the daughter of the complainant is a minor and, therefore, they would not be entitled to any discretionary relief by this Court.

I have heard learned counsel for the parties.

In view of the fact that the petitioner herein has been incarcerated since 12.10.2018, investigation in the matter is complete and further custody of the petitioner is not required, the present petition is allowed. Without expressing any opinion on merits of the case, the petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the

accused shall have to apply for bail afresh before the trial Court.

(iii) He shall not leave the country without the previous permission of the Court.

14.12.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.