

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-6034 of 2019 (O&M)
Date of decision : February 13, 2019

Jagseer

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. SS Momi, Advocate, for the petitioner
Mr. Avtar Singh Sandhu, Addl. AG Punjab for the State

Fateh Deep Singh, J. (Oral)

The allegations against petitioner-accused Jagseer in this first regular bail application under Section 439 Cr.P.C. filed in case FIR No. 188 dated 10.8.2018 under Sections 342,363, 366A, 376(2)(n) IPC, Police Station Sohana, District SAS Nagar are as follows:-

The present case was got registered by Mewa Ram, father of unmarried girl aged around 21 years alleging that his daughter was learning Beautician course at Sohana (Mohali) and that on 9.8.2018 the girl did not return home and after frantic efforts the girl was located on the next day. Subsequently it transpired that the accused-petitioner and the girl were in a relationship and the girl confided with the accused-petitioner who has

defiled her during that period after taking her to a hotel room and the girl in her statement under Section 164 Cr.P.C. made before the Judicial Magistrate has stated it so leading to the arrest of the petitioner on 28.8.2018.

Mr. SS Momi, counsel for the petitioner contends that the girl happens to be a major 21 years of age and admittedly was in a relationship with the petitioner and has sought to place reliance on the photographs Annexure P/5 (Colly) arguing that it was a voluntary and consensual relationship. The girl along with the petitioner had checked in a hotel for which he has placed reliance on Annexure P/4 entry of the hotel register arguing that the petitioner is behind the bars since a long time.

Mr. Avtar Singh Sandhu, learned State counsel on instructions from SI Phool Chand, PS Sohana, District Mohali though does not disputes the facts brought to the notice of this Court but has opposed the relief on the grounds of heinousness of crime and seriousness of allegations.

Going through the submissions, admittedly the victim is a grown up major girl and the photographs annexed here with are illustrative of the relationship between the girl and the petitioner as has been argued and supported by Annexure P/4 (colly), the victim as well as the petitioner have both checked-in in a hotel around Chandigarh during the intervening night of August 9/10, 2018 which could not be displaced by the learned State counsel. Without feeling the necessity to advert further on the merits, which might prejudice the parties at the trial it is a fit case for grant of bail

to the petitioner. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Mohali.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

February 13, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No