

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22280-2019

Date of Decision:-21.05.2019.

Sunil Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Shivya Sehgal, Advocate for
Mr. Vaibhav Sehgal, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG, Punjab.

RAJ SHEKHAR ATTRI, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.414 dated 25.09.2018, registered under Sections 363, 366-A IPC (Section 376 IPC added later on), Sections 3 and 4 of the POCSO Act, 2012 at Police Station Focal Point, Distirct Police Commissionerate, Ludhiana.

It has been submitted that in fact the prosecutrix and the petitioner had got married. The prosecutrix also suffered an affidavit (Annexure P-3) in this regard, wherein she has stated that she has solemnized her marriage with her own consent with the petitioner on 18.09.2018 and both of them are accepting each other as husband and wife.

As per the said, affidavit age of the prosecutrix is 19 years.

The petitioner is in custody since 26.09.2018. The trial of the

case will take long time. No useful purpose will be served by keeping the petitioner in custody.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner Sunil Kumar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the prior permission of the Court.

(RAJ SHEKHAR ATTRI)
JUDGE

May 21, 2019.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.