

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-29099 of 2019 (O&M)
Date of decision : July 16, 2019

Lovepreet Singh @ Love Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. MS Bajwa, Advocate, for the petitioner
Mr. Harbir Sandhu, AAG, Punjab, for the State with
ASI Sarabjit Singh, PS Mohakampura, District Amritsar

Fateh Deep Singh, J. (Oral)

The petitioner accused Lovepreet Singh @ Love Singh is alleged to be in a relationship with an unmarried girl who is stated to be a minor aged around 14½ years (who claims to be 18 years before the learned Judicial Magistrate Ist Class, Amritsar) and on 24.9.2018 both of them eloped on a motorcycle and till 5.10.2018, the girl remained with the boy at his house when she was got recovered leading to the registration of the present case.

Mr. MS Bajwa, counsel for the petitioner submits that the girl

in her statement under Section 164 Cr.P.C. made before the learned Judicial Magistrate Ist Class claims that she is major and was in a relationship with the petitioner who too is a minor and had gone on her own and denied any wrong doings by the accused. She has shown her resolve to live with the petitioner. Counsel for the petitioner has further alleged that neither there is any medical evidence much less any allegations levelled by the victim of being defiled by the petitioner.

Mr. Harbir Sandhu, AAG, Punjab concedes to the facts but has opposed grant of bail on the grounds of heinousness of the offence arguing that if allowed bail, the petitioner might influence the witnesses.

Going through the arguments, to the specific query of the Court, the learned State counsel concedes that there is no evidence much less allegations of defilement of the girl by the petitioner. In her stand before the learned Judicial Magistrate, the girl has shown of having gone with the petitioner on her own and thus, the very applicability of offence under Sections 363, 366-A, 376, 120-B IPC and Section 4 of the POCSO Act is a debatable issue. The petitioner is behind the bars since a long time and culpability, if any, shall be determined at the time of trial which is not likely to be concluded in near future. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Amritsar.

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.

July 16, 2019
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>