

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-30742 of 2019 (O&M)
Date of decision : August 26, 2019

Gurdeep Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Manish Verma, Advocate, for the petitioner

Mr. Harbir Sandhu, AAG, Punjab, for the State

Fateh Deep Singh, J. (Oral)

The present case was got registered by Ravi Ravinder Singh father of a victim an unmarried girl aged around 17 years 02 months alleging that on 12.1.2018 the victim had gone to buy vegetables but did not return leading to the registration of the present case. It subsequently transpired that the petitioner had enticed and taken away the girl leading to the arrest of the petitioner.

Mr. Manish Verma, counsel for the petitioner has argued that the victim as well as the petitioner have entered into a wedlock

and that the complainant's father is addicted to liquor and used to physically abuse the girl and had even earlier lodged an FIR against some other persons on same very grounds and had relied upon affidavit of the girl Annexure P/9 and photographs numbering two Annexure P/10 to support his claim.

The learned State counsel with all fairness concedes as to the facts canvassed by the petitioner side but has opposed the grant of bail on the ground of minority of the girl who is presently lodged in Nari Niketan.

Appreciating the submissions, it is there in the records that the victim and the accused-petitioner claimed to have entered into wedlock regarding which by filing petition before this Court had levelled accusation against the father being opposed to the relationship between the victim and the accused. It is also highlighted from the records that in her statement under Section 164 Cr.P.C. recorded on 20.7.2018 before the learned Judicial Magistrate 1st Class, the victim had stated that she was in a relationship with the accused and has solemnized marriage with him two months prior to May, 2018 and has even refused to go with the father. The photographs and the affidavit are supportive to the claim of the petitioner in this regard. Be so as it may, the girl has earlier filed a

complaint against the father levelling allegations of rape together with the judgment passed in another case Annexure P/7 of similar nature cannot escape judicial notice. The petitioner is behind the bars. Culpability, if any, shall be determined at the time of trial which is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

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.

August 26, 2019

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No