

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

CRM-M No.31423 of 2019

Date of decision : October 31, 2019

Sunny Sahota

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Shrey Goel, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL J. (ORAL)

1. Petitioner-Sunny Sahota, seeks grant of regular bail in a case registered vide FIR No.66, dated 27.03.2016, registered at Police Station Sanhewal, District Ludhiana, under Sections 363 and 366-A IPC (Section 376 IPC and Section 4 POCSO Act, 2012 added later on).
2. FIR was lodged at the instance of Rahul, brother of the victim, wherein it has been alleged that her younger sister, aged about 16 years had been enticed away by the petitioner.
3. Learned counsel for the petitioner has submitted that it is a case where the complainant's sister had voluntarily left her house and had solemnized marriage with the petitioner and pursuant to their marriage when they apprehended threat to their lives and liberty, they had approached the Court at Panipat seeking protection wherein affidavit dated 28.03.2016 (Annexure P-3) of the prosecutrix as well as of the petitioner had been furnished.
4. Learned counsel for the petitioner has further submitted that pursuant to their marriage, they were also blessed with a child and in this regard, the

petitioner has referred to the birth certificate annexed with the petition as Annexure P-7. The learned counsel has also drawn the attention of this Court to photographs (Annexure P-5) showing the petitioner alongwith his wife (complainant) and their child. A prayer has thus been made for grant of bail.

5. Opposing the petition, learned State counsel has submitted that since the prosecutrix was a minor at the time of the occurrence, no case for grant of bail is made out. It has further been submitted that the conduct of the petitioner, who was declared a proclaimed offender on 22.07.2018 does not warrant taking of any lenient view and as such, his bail petition deserves to be dismissed. Learned State counsel has, however, informed that pursuant to arrest of the petitioner on 19.10.2018, he has been in custody continuously and although charges have been framed but not even a single PW out of cited 17 PWs has been examined so far.
6. Having regard to the facts and circumstances of the case and also the custody period and the fact that conclusion of trial is likely to take time since not even a single PW is examined, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner-Sunny Sahota is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(GURVINDER SINGH GILL)
JUDGE

October 31, 2019

sarita

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No

