

CRM-M-38251-2019

Date of Decision : 13.09.2019

Umarjit Masih

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Sachin Ohri, Advocate
for the petitioner.Mr. Harbir Sandhu, Asstt.A.G., Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

This order shall dispose off first regular bail application under Section 439 Cr.P.C in a case bearing FIR No.46 dated 27.05.2019 filed under Sections 363, 366-A and 120-B of the Indian Penal Code registered at Police Station Dera Baba Nanak, Batala, District Gurdaspur.

The allegations against the accused/petitioner-Umarjit Masih, a young boy, aged around 17 ½ years have been levelled by complainant-Manjit Kaur, mother of the minor girl, aged around 15

years. The allegations are that on 25.05.2019, while the family was sleeping, her daughter disappeared, which was discovered on the next morning and in spite of their best search, they could not trace her out and suspected the petitioner leading to the registration of the present case and arrest of the petitioner on 30.05.2019.

Learned counsel for the petitioner *inter alia* contends that the petitioner is a juvenile and so is the alleged victim and that neither, there is any enticement by the petitioner and rather the girl in her stand before the learned Court below, under Section 164 Cr.P.C., has denied the allegations of the prosecution.

On behalf of the State, the learned State counsel, assisted by HC Palwinder Singh, Police Station Dera Baba Nanak, Batala, District Gurdaspur, with all fairness, concedes at the bar that the girl did not support the stand of the prosecution in her statement under Section 164 Cr.P.C. and that in fact, the couple were in a relationship.

Going through the submissions, admittedly, both the petitioner and the complainant, happens to be the juveniles. The petitioner is behind the bars for more than 3 ½ months.

In view of the allegations levelled and what has been canvassed before this Court by the two sides, its a fit case for grant of bail to the petitioner. The petitioner is behind the bars for about 3 ½ months, thus, culpability, if any, shall be determined at the trial, this Court is of the opinion that it would serve no useful purpose to

further detain the petitioner in custody. Accordingly, he is ordered to be released on regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Ilalaqa Magistrate of the Court concerned.

The petition stands disposed off accordingly.

13.09.2019
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No