

220.

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

CRM-M-37579-2019

Date of decision:14.10.2019

VIVEK GUPTA

... Petitioner

versus

U.T. CHANDIGARH

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sanjiv Sheoran, Advocate, and
Mr. Vishva Nath Sharma, Advocate,
for the petitioner.

Mr. Rajiv Sharma, APP, UT, Chandigarh,
with ASI Satish Kumar.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.182 dated 17.07.2019 registered under Sections 363, 366 of IPC at Police Station Industrial Area, Chandigarh.

The aforesaid FIR was registered at the behest of Harjinder Singh, who is the father of the prosecutrix. As per the FIR, daughter of the complainant, aged about 17 years, went from the house at 2 o'clock along with jewellery and Rs.45,000/-. The allegation is that the petitioner has allured the daughter of the complainant and earlier also, he (petitioner) used to harass her. The petitioner has given a written apology also.

Counsel for the petitioner has argued that the petitioner is in custody since 22.07.2019. The petitioner and the daughter of the

complainant had approached this Court by way of **CRM-M-30045-2019** titled as ***Vivek Gupta and another Versus UT, Chandigarh and others***, which was dismissed vide order dated 20.09.2019 with the following observations:-

“Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of direction to respondent Nos.2 and 3 to protect the lives and liberty of the petitioners at the hands of private respondent Nos.4 to 9.

Pursuant to the order dated 22.07.2019, petitioner No.2- Parampreet Kaur along with her parents is present in the Court.

In order to ascertain her independent opinion as to whether she would like to stay with her parents, this Court has requested Ms. Gaganpreet Kaur, AAG, Haryana, to interact with the girl in question. The girl has been interacted and this Court has been informed by Ms. Gaganpreet Kaur that she(girl) is interested to stay with her parents. Since FIR No.182 dated 17.07.2019 under Sections 363, 366 IPC, Police Station Industrial Area, Chandigarh, has been registered against petitioner No.1, the present petition no more survives as petitioner No.2 has shown her complete inclination to stay with her parents.

In view of the above, the present petition is dismissed.”

Counsel for the complainant has argued that the victim in the case is a minor girl of about 17 years of age and apart from the fact that protection petition filed by the petitioner along with Parampreet Kaur was dismissed, the victim is a minor girl and, therefore, the petitioner has committed a serious offence by alluring her.

Mr. Rajiv Sharma, counsel appearing on behalf of UT,

of the complainant is minor.

I have heard learned counsel for the parties.

Petitioner is in custody since 22.07.2019 and trial in the case is not likely to be concluded in the near future as only challan has been presented. Even otherwise, the parties had approached this Court so as to seek protection on the ground that they have solemnized marriage but the said petition was dismissed, as at that time, the victim has shown her inclination to stay with her parents for a period of ten days, so that she can convince them.

Taking into consideration the custody of the petitioner and the fact that culpability of the petitioner is yet to be established, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

14.10.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No