

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-39749 of 2019

Date of Decision: 24.10.2019

Ashok @ Kalu

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.29 dated 23.03.2019 under Sections 363/366-A IPC registered at Police Station Nakodar Sadar, District Jalandhar.

Learned counsel for the petitioner has argued the alleged date of incident is 22.03.2019 and the petitioner is in custody since 25.03.2019. The allegation against the petitioner is that he has eloped with the daughter of the complainant on the pretext of marrying her. The petitioner had love affair with the daughter of the complainant. He has further submitted that there is no allegation against the petitioner that he has ever assaulted the girl sexually. He has submitted that the petitioner is facing the trial and it

will take sufficiently long time to conclude and therefore, the petitioner deserves to be admitted on bail.

Learned State counsel, on instructions from ASI Sukhwinder does not dispute the custody period of the petitioner, who was arrested on 25.03.2019 from Jalandhar Bus Stand. However, he submits that the victim in the case is about 16 years of age and the allegation against the petitioner is that he has enticed her away. The victim was asked for medical examination, but she has refused to undergo such medical examination.

I have heard learned counsel for the parties.

Admittedly, there is no allegation that rape was committed upon the victim. Moreover, the victim herself has opted not to undergo medical examination. Considering the fact that the petitioner is in custody since 25.03.2019 and culpability of the petitioner is yet to be established during trial which shall take sufficiently long time, as charge in the case has not yet been framed in the case, I deem it appropriate to release him on regular bail.

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

However, it is made clear that the petitioner shall not cause any hindrance in conclusion of trial and shall not extend any threat to the victim or any of the witnesses in any manner. In case the petitioner is found to have indulged in any such activity, in any manner, the prosecution will be at liberty to seek cancellation of bail.

Needless to say that the observations made hereinabove shall
not construed as any expression on the merits of the case.

October 24, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No