

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

CRM-M-50134-2019

Date of decision: 29.11.2019

MOHD JUNEEL @ JUNOD

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Kulwant Singh, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.223 dated 22.10.2018 under Sections 363, 366-A, 376 IPC and Sections 4 & 6 of POCSO Act at Police Station Jamalpur, Ludhaina.
2. The FIR was lodged at the instance of Arun Parshad, wherein it has been alleged that his daughter aged about 16 years has been enticed by Junod while alluring her into marriage. It is alleged that his daughter went missing on 20.10.2018 and although they had made efforts for her search but she could not be traced.
3. Learned counsel for the petitioner has submitted that the petitioner has been falsely been implicated in the present case and in fact the

complainant's daughter had voluntarily left her house on 20.10.2018 and had solemnized marriage with the petitioner on 22.11.2018. It has further been submitted that ever since the said marriage, the complainant and the petitioner have been living happily and they have recently been blessed with a child on 3.10.2019. It has further been submitted that since challan already stands presented further detention of the petitioner is not required and he deserves the concession of bail.

4. Opposing the petition, learned State counsel has submitted that since the complainant's daughter was a minor when she left house and solemnized marriage with the petitioner, no case for grant of bail is made out. It has been informed that although charges have been framed but till date not even a single witness out of cited 18 witnesses has been examined. It has also been informed that when the statement of prosecutrix was recorded in terms of Section 164 Cr.P.C., she did not support the case of prosecution.
5. I have considered rival contentions addressed before this Court. Keeping in view the fact that the prosecutrix in her statement under recorded under Section 164 Cr.P.C. has not supported the case of prosecution and also that the petitioner as on date has been behind bars since last 7 months, further detention of the petitioner will not serve any purpose as conclusion of trial, in its normal course, is likely to take some time since not even a single witness out of cited 18 witnesses has been examined. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty

Magistrate, concerned.

6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

29.11.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No