

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

CRM-M No.55667 of 2018
Date of decision: 22nd January, 2019

Gurmail Singh @ Gela

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Surinder Gandhi, Advocate for the petitioner.

Mr. Rakeshinder S. Sidhu, Asstt. AG, Punjab
for the respondent No.1/State.

Respondents No.2 and 3 in person.

FATEH DEEP SINGH, J. (ORAL)

This order shall dispose off first regular bail application under Section 439 Cr.P.C. of the petitioner Gurmail Singh alias Gela in case bearing FIR No.134 dated 29.08.2018 under Sections 363, 366, 376 IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Goindwal Sahib, District Tarn Taran.

Present case was got registered on the complaint of complainant Sarabjit Singh, father of a girl who was then minor, alleging that during the night of 19.08.2018 his daughter, the present victim, disappeared from the house leading to registration of the present case. It is during the course of investigations, it cropped up that the petitioner

Gurmail Singh alias Gela enticed and took away the victim with an intention to marry her.

Learned counsel for the petitioner at the very onset has produced the complainant and the victim along with their duly sworn attested affidavits and has placed reliance on another affidavit of the victim (Annexure P3) that at the time of occurrence she was a major and has gone on her own and do not oppose grant of bail to the petitioner as the couple has entered into a wedlock.

On behalf of the State, Mr. Rakeshinder Singh Sidhu, Asstt. Advocate General, Punjab on instructions from ASI Amarjit Singh, Police Station Goindwal Sahib, District Tarn Taran, does not displace the stand of the petitioner but submits that in view of the heinousness of the offense and seriousness of allegations disentitles the petitioner to any relief.

Appreciating the arguments of the two sides, the complainant and the victim in their stand before this Court as well as in their affidavits have made statement that they do not object if the petitioner is allowed bail, as the victim and the petitioner are in a relationship and that the girl is a major. In the light of this stand of the complainant/victim and that the petitioner is behind bars since a long time, this Court is of the opinion that further detention of the petitioner in the present case is unwarranted.

Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Tarn Taran. However, it is made clear that any observation made herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

January 22, 2019
rps

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