

CRM-M-3573 of 2020
Date of Decision: 22.05.2020

Bhim

.....Petitioner

Versus

State of U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Harsh Manocha, Advocate
for the petitioner.Mr. Manish Jain, Advocate
APP for U.T. Chandigarh.**NIRMALJIT KAUR, J. (ORAL)**

The present petition is filed for releasing the petitioner on regular bail during pending trial in case FIR No.268 dated 31.10.2019, registered at Policy Station Sector-34, Chandigarh.

The allegations against the petitioner is that he kidnapped a girl namely Anju, aged 17 years, while she was going with her mother in order to solemnized marriage with her.

As per the case of the prosecution, the age of the victim is stated to be more than 17 years and just few months less than 18 years. Her statement was got recorded under Section 164 Cr.P.C. As per the said statement, she had willingly and herself eloped with the petitioner. Meanwhile, the girl has been kept in Snehalaya, which obviously means that she was not ready to go with her parents and wanted to rather accompany the petitioner. It is also an admitted position that now she has completed 18 years of age and now even in a position to exercise her choice. In any case,

no medical report is brought to the notice nor there is any allegations of any sexual intercourse. The petitioner, who himself is also only 24 years of age is stated to be in custody since 31.10.2019. Reference may also be made to the judgment in almost similar circumstances rendered by this Court in the case of ***Bablu Yadav Vs. State of Haryana, 2007(4) R.C.R. (Criminal) 257*** in which the judgment rendered by Hon'ble the Apex Court in the case of ***S.Vardaranjan Vs. State of Madras, AIR 1965 Supreme Court 942*** was relied upon.

No doubt, the matter was being adjourned on the ground that the charges have yet to be framed but for the last six months, no charges have been framed and the petitioner in the circumstances as mentioned above cannot continue to remain in the judicial custody.

In view of the above observations, the present petition is allowed. He is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate.

(NIRMALJIT KAUR)
JUDGE

22.05.2020

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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No