

CRM-M-12312-2020

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

CRM-M-12312-2020
Date of Decision:14.05.2020

Roshan Dass @ Resham

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Mikhail Kad, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J.

Case was taken up for hearing through video conferencing.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.216 dated 25.11.2019, registered at Police Station Sadar Samana, District Patiala, under Sections 363 and 366-A IPC.

Notice of motion.

On the asking of this Court, Ms. Monika Jalota, DAG, Punjab, accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner stated that the present FIR had been registered on the statement of Rinku Singh, with the averments that his sister (prosecutrix) had sped away from the house in the intervening night of 22/23.11.2019. It is stated in the FIR that the prosecutrix was not found sleeping on her bed and was missing. He further contended that the FIR had been lodged after a delay of 03 days and the prosecutrix in her

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Judicial Magistrate Ist Class, Samama, stated that she had gone alongwith the petitioner of her own and told the petitioner that her age is 18 years and left her house because she had been given beatings by her family members.

On the other hand, the learned State counsel vehemently opposed the contentions made by the learned counsel for the petitioner and contended that the petitioner is not entitled to the benefit of bail.

I have heard the learned counsel for the parties and gone through the record.

The prosecutrix in her statement (Annexure P-3) recorded under Section 164 Cr.P.C. stated that she had gone alongwith the petitioner of her own and she told the petitioner that her age is 18 years and she left her house because she had been given beatings by her family members.

The petitioner has been in custody since 15.12.2019. The trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping him behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

Nothing observed hereinabove shall be constructed as an expression of opinion on the merits of the case.

14.05.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No