

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

204

CRM-M No.12821 of 2020
DATE OF DECISION : 29th JULY, 2020

Sagar

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Kamal Narula, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.151 dated 10.09.2019 registered under Sections 363, 366-A & 120-B IPC, at Police Station Sadar Faridkot, District Faridkot.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. The daughter of the complainant had gone with the petitioner on her own. Not only that, she has also performed marriage with the petitioner with her free will. Counsel has further pointed out that even a joint petition was filed for seeking protection; by the petitioner and the daughter of the complainant, which was allowed by Punjab Human Rights Commission. Even in the statement recorded under Section 164 Cr.P.C., the girl had stated that she had gone with the petitioner on her own and that no forceful act was ever done with her by the petitioner. Since nothing wrong was done by the petitioner, therefore, the girl had even refused her medical examination.

The challan has already been filed and the petitioner is not required for any investigation purposes. The petitioner is in custody since 18.09.2019.

Notice of motion.

Mr. Luvinder Sofat, AAG, Punjab, accepts notice on behalf of the State.

Learned State counsel, being instructed by SI Ravinder Kaur, has submitted that the petitioner has committed a heinous crime. The consent of the girl is immaterial because she was minor by age. However, it is not denied that even while making statement under Section 164 Cr.P.C. the girl has denied any forcible act on the part of the petitioner. Even the joint protection petition; filed by the petitioner and the girl; has not been denied by the counsel for the State. It is also not denied that there is no medical examination of the girl and that the petitioner is in custody since 18.09.2019.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

29th JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>