

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

CRM-M-13166-2020 (O&M)

Date of decision: 09.06.2020

Harjinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Achin Gupta, Advocate
for the petitioner.

Mr. Gaurav Dhuriwala, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.100 dated 06.07.2019, under Sections 363, 366-A/34 of Indian Penal Code (for short 'IPC'), registered at Police Station Jaito, District Faridkot.

Brief facts of the case are that the complainant Jaspal Kaur has three daughters; eldest, namely, Roobandeep Kaur is 17 years old and she is studying in 12th class. On 28.06.2019, when complainant came back home at around 03.00 p.m., she found that her daughter (Roobandeep Kaur) was not at home. She came to know that petitioner, namely, Harjinder Singh alongwith co-accused enticed her on the pretext of marriage and run away with her.

Contentends that petitioner is in custody since 15.04.2020; the petitioner as well as Roobandeep Kaur are legally wedded and residing happily. Reference is made to the order dated 21.01.2020 (P-2) recorded by learned Sessions Judge to support his plea that daughter of the complainant is having no grievance against the petitioner.

Also contends that apart from the present FIR, no other criminal case is pending against the petitioner and investigation is already over, however, charges are yet to be framed.

The above fact is duly acknowledged by learned State counsel, but opposed the bail application primarily on the ground that on the date of alleged marriage, daughter of the complainant namely, Roobandeep Kaur was less than 18 years of age.

Be that as it may, there is no dispute that petitioner and daughter of the complainant are residing as husband and wife as on today. Investigation is already over in the matter and charges are yet to be framed, thus, in view of the prevailing situation, the trial is likely to take sufficient long time. Consequently, without commenting on the merits of the case as well as regarding the legality and validity of the statements recorded by learned Sessions Judge on 21.01.2020, this Court deems it appropriate to grant bail pending trial to the petitioner.

Resultantly, the petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

09.06.2020
Dinesh

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No