

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-877-2020

Date of Decision: 06.08.2020

Banti @ Gagan @ Golu

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Ashish Gupta, Advocate for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Case has been taken up for hearing through video conferencing due to pandemic Covid-19.

Through this revision, petitioner-Banti @ Gagan @ Golu, has laid challenge to judgment of Ist Appellate Court dated 15.04.2020, affirming the order dated 20.03.2020 of the Principal Magistrate, Juvenile Justice Board, Kurukshetra, whereby his bail application was dismissed.

Briefly, petitioner was booked in case FIR No. 59 dated 16.01.2020, under Sections 366-A and 506 IPC and Sections 4, and 17 of the Protection of Children from Sexual Offences Act, 2012, Police Station City Thanesar, District Kurukshetra, on complaint of respondent No. 2, on the allegations that he performed marriage with her daughter-respondent No. 3 and committed rape upon her without her consent. He also extended threat to kill complainant and her daughter.

Learned counsel *inter alia* contends that petitioner is a juvenile. He has falsely been implicated in the instant case. Petitioner and victim are married. In her statement before Illaqa Magistrate under Section 164 Cr.P.C., the victim has stated that no wrong had been committed with her by the petitioner. The allegations of commission of rape upon the victim by the petitioner were levelled only by her mother in the FIR, nor the victim. Petitioner is in custody since 18.01.2020. Conclusion of trial may take long time. No useful purpose would be served by detaining him in jail.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioner.

Despite service, respondents No. 2 and 3 have not turned up. Thus, it is evident that they have no grouse against the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of case, the instant revision is allowed. Consequently, petitioner-Banti @ Gagan @ Golu, is ordered to be released on bail pending trial, if, not required in any other case, on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Principal Magistrate, Juvenile Justice Board/Duty Magistrate, concerned.

August 06, 2020
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No