

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

CRM-M-14689-2020 (O&M)

Date of Decision: August 31, 2020

Munna @ Munna Pandit

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vishavjeet Singh Rishi, Advocate,
for the petitioner.

Mr. P.S.Walia, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

CRM-21138 of 2020

Prayer in the application is for placing on record documents
Annexures P-3 to P-5.

Application is allowed. Documents are taken on record.

CRM-M-14689-2020

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.297 dated 21.12.2019, under Sections 363, 366-A, 376 IPC (added later on) and Sections 3 and 4 of the Prevention of Children from Sexual Offences Act, 2012, registered at Police Station, Sahnewal, District Ludhiana. The petitioner is in custody since his arrest on 16.02.2020.

As per the allegations in the FIR, complainant Arun Kumar was working at Jainson Factory Dehlon Road, Ludhiana. His wife's name is

Anita Devi. He has three children. Eldest is daughter Sonam Kumari, whose date of birth is 15.04.2002. Younger to her is Vikas Kumar and the youngest is Gulshan Kumar. His both sons were studying. Sonam Kumari had passed 10th class from Guru Ram Rai Public School, Macchiwara, Ludhiana. She was doing household work with his wife. Outside the street of his house at main road, Munna Pandit son of Sadhu Nand Kishore was running a karyana shop and had an evil eye upon his daughter and used to tease her. On 14.11.2019, he had gone to his duty. Vikas Kumar, Gulshan Kumar, Sonam Kumari and wife were present at home. At about 8.00 p.m., his wife told him on phone that Sonam Kumari had gone out from house, but did not come back. She came to know that Sonam Kumari has been enticed away by Munna Pandit with an intention to marry. They kept on searching, but could not succeed. Thereafter, the matter was reported to the police. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the daughter of the complainant had eloped with the petitioner on 14.11.2019 and performed marriage on the next day. It is pointed out that though a petition was filed jointly by them before the Sessions Court for protection of their life and liberty, however, the same was dismissed. According to the learned counsel, the father of the girl got the present FIR lodged on 21.12.2019, wherein the investigation is complete. He has submitted that the petitioner was arrested on 16.02.2020 and is presently confined in judicial custody, therefore, his further custody may not be necessary, particularly when the statement of the girl recorded under Section 164 Cr.P.C. supports the stand of the petitioner.

On the other hand, learned State counsel assisted by ASI

Kulwinder Singh has opposed the prayer on the ground that the girl was minor on the date of the marriage and, therefore, the willingness of the parties may not be material. Learned State counsel has fairly stated that the statement of the daughter of the complainant recorded under Section 164 Cr.P.C. clearly mentions this fact that they left their houses in order to perform the marriage and she was unaware that being minor, she cannot perform the marriage.

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread, this Court does not find any reason to decline the prayer. The petitioner after his arrest on 16.02.2020, is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Ludhiana.

The petition is allowed.

August 31, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No