

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

CRM-M-16599-2020 (O&M)

Date of decision : 14.07.2020

Jobanpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Dinesh Mahajan, Advocate,
for the petitioner.

Mr. A.A. Pathak, Addl.A.G., Punjab.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.69 dated 16.07.2019, registered under Sections 363, 366-A, 120-B and 376 of the Indian Penal Code and Section 6 of the Protection of Children against Sexual Offences Act, 2012, at P.S. Ghuman, Batala, District Gurdaspur.

Contends that the petitioner and the prosecutrix, being co-workers at a brick kiln, wanted to solemnize marriage. However, as the age of the prosecutrix was marginally less than 18 years, they returned back home on the next day and the petitioner was arrested. He is not involved in any other FIR. He is behind the bars since 17.07.2019.

On the other hand, learned State counsel has opposed the instant petition. On instructions, learned State counsel submits that the petitioner enticed away the prosecutrix who was minor. The challan has

been presented and out of fifteen witnesses cited by the prosecution, none has been examined.

Heard.

The families of the petitioner as well as the prosecutrix had been residing at a brick kiln and thus, known to each other. Therefore, the assertion with regard to love affair between the parties cannot be discarded at this stage. The petitioner is behind the bars since 17.07.2019. The trial is yet to commence as none of the fifteen PWs has been examined. Therefore, this Court feels that keeping the petitioner under further incarceration will not serve any purpose.

In view of the above, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

14.07.2020

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No