

In the High Court of Punjab and Haryana at Chandigarh

(Proceedings conducted through Video Conference)

CRM-M No. 19138 of 2020

Date of Decision: 25.8.2020

Med Masih @ Bhola

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Simranjit Singh, Advocate
for the petitioner**

Ms. Bhavna Gupta, DAG, Punjab

Rekha Mittal, J.

Med Masih @ Bhola prays for grant of regular bail in FIR No. 152 dated 7.11.2019 registered at Police Station, Dinanagar, District Gurdaspur for offence punishable under Sections 363, 366 of the Indian Penal Code, 1860 (in short "IPC") (offence under Sections 370 and 376 IPC added later), pending trial.

Counsel for the petitioner would argue that no role with regard to allegation constituting offence under Sections 370 and 376 IPC has been attributed to the petitioner. It is further argued that only role attributed to the petitioner is that Sansar Chand enticed away victim aged approximately 18 years and 2 months with an intention to marry and the petitioner connived with the main accused. It is further argued that the prosecutrix made a statement before the police that petitioner dropped her at the bus stand on her request. Even in her statement recorded under Section 164 Cr.P.C., only role attributed to the petitioner is that he dropped her (prosecutrix) at the bus stand. Counsel would pray that pending trial, the

petitioner may be released on bail when otherwise he is ready to face proceeding without any default.

Counsel representing State of Punjab has not disputed factual submissions but opposed the prayer for bail.

The petitioner is in custody since 7.11.2019. Challan has been presented in the Court and conclusion of trial may take long time particularly in the face of situation created due to Covid-19.

Without meaning to express any opinion on merits of the controversy, bail to the petitioner subject to his furnishing bail bonds to the satisfaction of trial court/ Additional Sessions Judge (on duty), Gurdaspur. However, he shall abide by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) He shall not leave India without previous permission of the Court.

Disposed of.

(Rekha Mittal)
Judge

25.8.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No