

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

CRM-M-19886 of 2020

Date of Decision: 26.08.2020

Manish @ Prem Chand @ Prem Chandra

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

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

Mr.Rana Harjasdeep Singh, AAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.0088, dated 08.09.2019, having been registered at Police Station Sadar Rajpura, Tehsil Rajpura, District Patiala, alleging therein the commission of offences punishable under Sections 363 and 366-A of the IPC.

Learned counsel for the petitioner submits that there was no charge of rape ever framed because the parents of the minor girl refused to get her medically examined and as regards her having left with him voluntarily, her statement to that effect is very obvious.

Upon query to learned counsel he admits that the girl, as per her school records, was about 14 years of age, with the petitioner being about 20 years of age.

Learned State counsel submits that the petitioner having enticed away a young minor girl, and having stayed with her for some period of time, he does not deserve the concession of bail.

He further submits that the petitioner being a permanent resident of District Budaun, (District UP), he may possibly misuse the concession of bail and disappear with it difficult to thereafter trace him

However, it is not denied that there was no offence alleged to have been committed under the provisions of Section 376 of the IPC and that the petitioner has been in custody for about 11 ½ months now, with 5 out of 16 prosecution witnesses having been examined so far, including the minor prosecutrix and her father.

That being so, without making any comment on the actual merits of the case, keeping also in view the current Covid-19 pandemic, the petitioner is ordered to be released on bail, to the satisfaction of the trial court/CJM/Duty Magistrate, concerned, upon him furnishing bail bond of an adequately heavy amount and an equally heavy amount to be furnished by two local sureties.

August 26, 2020

dharamvir/

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES
Whether Reportable : NO