

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

(223)

CRM-M-21172-2020

Date of Decision: August 11, 2020

Surjit Singh

.. Petitioner

Versus

State of Punjab and another

.. Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Manoj Kumar Sharma, Advocate, for the petitioner.

Ms. Bhavna Gupta, Deputy Advocate General, Punjab.

Mr. Ritesh Kumar Sharma, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI, J.(ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.85 dated 24.06.2018 under Section 363, 366, 120-B IPC registered at Police Station Bullowal, District Hoshiarpur.

Learned counsel for the petitioner states that respondent No.2 had accompanying the petitioner on her own without there being any coercion and on attaining the age of majority, respondent No.2 married the petitioner and is living with him happily and respondent No.2 at present is 7 months pregnant.

Learned counsel for the petitioner further submits that petitioner was declared proclaimed offender as the petitioner as well as respondent No.2 were apprehended threat to their life and liberty and hence, petitioner could not attend the proceedings. Learned counsel for the petitioner further submits that petitioner has surrendered before the Court but bail application has been declined on the ground that though the statement of respondent No.2 has been

declined though the statement of respondent No.2 has already recorded in Court to the effect that she went alongwith the petitioner as per her own free will, but the same has not been considered while declining the grant of bail.

Learned counsel for the petitioner submits that in the present facts and circumstances when the petitioner is married to respondent No.2 and they are happily married and respondent No.2 in her statement recorded has not supported the prosecution, petitioner is entitled for the grant of regular bail.

Notice of motion.

Ms. Bhavna Gupta, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of the respondent-State and Mr. Ritesh Kumar Sharma, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2.

Learned counsel for respondent No.2 does not dispute the contentions raised on behalf of the petitioner recorded hereinbefore. Learned counsel for respondent No.2 further submits that he has no objection in case, the petitioner is granted the benefit of regular bail.

Learned counsel for the respondent-State submits that respondent No.2 was minor when the FIR was registered and the subsequent marriage of the petitioner with respondent No.2 on attaining the age of majority will not dilute the allegation against the petitioner in any manner and therefore, the petitioner is not entitled for the grant of the benefit of regular bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of the present case, when the allegations of abduction are yet to be proved and respondent No.2 is supporting the petitioner and is happily married to the petitioner and is

pregnant, no useful purpose will be served in keeping the petitioner behind the bars.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

August 11, 2020
harsha/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No