

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

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CRM-M No.21176 of 2020

DATE OF DECISION : 13th AUGUST, 2020

Satya Narayan @ Sattu

.... **Petitioner**

Versus

State of Punjab

.... **Respondent**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Amandeep Singh Manaise, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.67 dated 23.06.2019 registered under Sections 363, 366-A, 376, 328, 372, 373 & 120-B IPC and Sections 4 & 6 of the POCSO Act, 2012 at Police Station Sadar Gurdaspur, District Gurdaspur.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted and without any basis. In fact, it is the case of a couple performing marriage against the wishes of their respective families. The prosecutrix had performed marriage with the co-accused Manoj Kumar. However, thereafter it appears that relations between the two might have gone astray, therefore, the FIR has been lodged. As far as the petitioner is concerned, there is not even allegation that the petitioner had done any sexual act with the prosecutrix. Still further it is submitted that the complainant has been examined in the Court as a witness and she has not supported the case of the prosecution.

Even the prosecutrix has admitted the factum of marriage in her testimony before the Court. The co-accused of the petitioner Kawaljit Kaur with similar allegations has already been granted bail. The petitioner is in custody since 26.07.2019 and there is no other case against the petitioner. The petitioner is not required for any investigation purposes.

Notice of motion.

Mr. Sukhbeer Singh Asstt. AG, Punjab, accepts notice on behalf of the State.

The learned counsel for the State, being instructed by SI Lakhbir Singh, submits that there are specific allegations against the petitioner. As per the allegations, the petitioner along with co-accused Kawaljit Kaur had enticed away the prosecutrix and had sold her to the co-accused Manoj Kumar for an amount of ₹1.4 lacs and subsequently; forcibly; marriage was performed by Manoj Kumar with the prosecutrix. However, it is not disputed that the petitioner is in custody since 26.07.2019 and that the complainant has not fully supported the case of the prosecution. It is also not disputed that the co-accused of the petitioner have already been released on bail and further that there is no other case against him.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

13th AUGUST, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>