

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

210

CRM-M No.22066 of 2020

Date of Decision: August 14th, 2020

Som Pal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. B.S. Sewak, Additional Advocate General, Punjab.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.0143 dated 09.06.2018 registered under Sections 363, 366 IPC at Police Station Meharban, District Ludhiana.

Learned counsel for the petitioner contends that as per the allegations in the FIR against the petitioner, son of the petitioner namely Akshay had enticed the daughter of complainant namely Renu Kaur to perform marriage with him on 07.06.2018 while she had gone to the school. The allegations against the petitioner is that he had connived in the enticing away of the daughter of the complainant for performing marriage. No active role as such in the running away of the daughter of the complainant with Akshay has been alleged. His further submission is that as a matter of fact, Akshay and Renu Kaur got married on 16.07.2018 and they are since then staying together happily. It is submitted that challan has been presented on 07.02.2020 but because of the pandemic, the trial is held up and is not proceeding. Petitioner has completed more than seven months in custody.

Prayer has thus been made for granting him the concession of bail.

Learned counsel for the State, on the other hand, contends that had it not been the connivance and support of the petitioner, his son Akshay would not have even thought of enticing Renu Kaur. He further could not dispute the fact that there is no other active role attributed to him in the FIR. The other factual aspects also could not be disputed by him as he has produced the custody certificate of the petitioner submitted by the Deputy Superintendent, Central Prison, Ludhiana, according to which petitioner has undergone 7 months and 16 days in custody as under trial.

Having considered the submissions made by the counsel for the parties and keeping in view the allegations against the petitioner as also that challan having been presented, with petitioner being in custody for more than 7½ months, with the trial not proceeding because of the prevailing pandemic and thus no useful purpose would be served by further keeping the petitioner in custody, the present petition is allowed.

Petitioner is ordered to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

Any observations made hereinabove are for the purpose of disposal of the present petitions alone and shall have no bearing on the merit of the case during the trial in any manner.

August 14th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No