

S.No.210

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

CRM-M-23801 of 2020 (O&M)

Date of Decision:02.11.2020

Dhanna Ram

.....Petitioner

Vs.

State of Punjab

.....Respondent

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IN VIRTUAL COURT

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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Dr. Rau P.S. Girwar, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

CRM No.20482 of 2020

Application is allowed as prayed for.

CRM-M-23801 of 2020

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.39 dated 26.03.2018 registered under Sections 363/366-A/376/506 IPC and Sections 3, 4 POCSO Act, 2012 at Police Station Canal Colony, Bathinda.

It is contended by learned counsel for the petitioner that the case against the petitioner is without any basis. In fact, the daughter of the complainant had a love affair with the present petitioner. She even performed marriage with the petitioner. However, the parents of the wife of the petitioner did not like that marriage. Therefore, the present case has been concocted. Even in her statement under Section 164 Cr.p.C, the prosecutrix has specifically stated that she had performed marriage with the petitioner and that she wanted to live with him only. Accordingly, it is submitted by the counsel for the petitioner that there is no offence involved in the present case. It is further submitted that the petitioner is in custody

since 03.12.2019 and the challan has already been filed. Therefore, the petitioner is not required for any investigation purpose. It is also submitted that there is no other case against the petitioner.

Notice of motion.

Mr. Ramdeep P. Singh, DAG, Punjab, accepts notice on behalf of the State.

It is submitted by learned State Counsel that there are specific allegations against the petitioner. The girl was a minor at the time when she was enticed away by the present petitioner. However, it is not disputed that the said girl claimed marriage with the present petitioner and that even in the statement under Section 164 Cr.P.C., she has stated that she wanted to live with the present petitioner. It is also not disputed that the petitioner is in custody since 03.12.2019 and that the challan has also been filed.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

November 02, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No