

Vishal

.....Petitioner

versus

Union Territory, Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Rahul Bhargava, Advocate
for the petitioner

Mr. Sukant Gupta, Addl. P.P. for U.T. Chandigarh

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 100 dated 18.07.2020 registered under Section 363 IPC (Section 366 IPC added later on) at Police Station Sector 11, Chandigarh.

Learned counsel for the petitioner argues that the petitioner has been in custody for over three months. The trial is not likely to be concluded at an early date as charges have not yet been framed. The criminal case has been registered because the petitioner eloped with a minor girl. He is not a criminal and, thus, he may be granted regular bail.

Custody certificate dated 03.11.2020 has been presented in the Court. The same is taken on record. According to this custody certificate, the petitioner has undergone actual custody of 3 months and 12 days and there is no other criminal case pending/decided against him.

Learned counsel for U.T. Chandigarh on instructions from HC Dharam Pal concedes that this is a case of run away marriage.

Thus, keeping in view the fact that the petitioner has been in custody

no useful purpose would be served by keeping him in custody indefinitely. An offence has been committed by the petitioner but he is not a criminal in the true sense of words.

In view of the above, I deem it appropriate to grant regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

November 03, 2020
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No