

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

CRM-M-28719-2020

Date of decision: **23.9.2020**

JASHANDEEP

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Shaurya Puri, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.20 dated 30.3.2020 under Sections 363, 366-A, 376 IPC & Section 4 of POCSO Act, at Police Station Kabirpur, District Kapurthala.
2. The FIR was registered at the instance of Kuldeep Kaur wherein it is alleged that her daughter (victim) aged about 17 years went missing from home on 30.3.2020 and although they tried to search for her but she could not be found. The complainant suspected that her daughter had been enticed away by Jashandeep (petitioner) on the pretext of solemnizing marriage with her.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case as would be evident from the statement of prosecutrix recorded in terms of Section 164 Cr.P.C. wherein she categorically stated that she had been on talking terms with the petitioner since class 10th and they wanted to solemnize marriage but their parents

were against the said marriage and that they had eloped from home. She further specifically stated that whatever physical relations were there between them the same were with their consent and that the petitioner had never committed rape upon her. She has further stated that her marriage may be solemnized with the petitioner.

4. Opposing the petition, the learned State counsel has submitted that since the victim was aged about 17 years it is apparent that she being immature had been enticed by the petitioner and as such the petitioner does not deserve the concession of bail. It has however been informed that the petitioner has been behind bars since the last more than 5 ½ months.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the facts and circumstances of the case especially the statement of the victim recorded in terms of Section 164 Cr.P.C. it would be debatable as whether it is a case where the victim had been enticed away or that she had left at her home at her own. In any case, the petitioner has been behind bars since last more than 5 ½ months, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(GURVINDER SINGH GILL)
JUDGE

23.9.2020
Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No