

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

CRM-M-29573-2019 (O&M)
Decided on :16.03.2020

Avtar Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kulwant Singh, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Akash Jindal, Advocate for
Mr. Govind Chauhan, Advocate
for the complainant.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.43 dated 09.05.2019 registered under Sections 363, 366-A IPC and Section 8 of POCSO Act (added later on) registered at Police Station Sudhar, Ludhiana (Annexure P-1).

Learned counsel for the petitioner contends that the prosecutrix was in a relationship with the petitioner for the last many years. The prosecutrix had been wanting to solemnize marriage with the petitioner, however, her family was averse to the marriage. Thereafter, the prosecutrix along with the petitioner ran away from their respective homes and solemnized marriage on 07.05.2019. They had also sought protection of their life and liberty from the learned Addl. Sessions Judge, Ludhiana, which was subsequently granted on 09.05.2019. It has been further

submitted that the prosecutrix has since been examined before the trial Court. She did not support the case of the prosecution and was declared hostile.

Learned counsel for the complainant has also submitted that ever since the marriage of the prosecutrix with the petitioner, she has been residing in her matrimonial home.

Learned State counsel on instructions from ASI Hardeep has not been able to controvert the submissions made by learned counsel for the petitioner qua the factum of marriage of the petitioner with the complainant and she having not supported the case of the prosecution during the trial.

In view the afore-mentioned and keeping in view the fact that the petitioner has been behind bars since 11.05.2019, no useful purpose would be served by keeping the petitioner in custody as the trial is unlikely to conclude in the near future. In the circumstances, present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial court/Duty Magistrate concerned. It is however, made clear that nothing observed herein above would be construed as an expression on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

16.03.2020
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No