

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

**CRM-M No.38316 of 2020 (O&M)
Date of Decision.24.11.2020
(Heard through VC)**

Roshan Dass @ Resham

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Amandeep Singh Samra, Advocate
for the petitioner.

Mr. H.S. Sitta, AAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.83 dated 21.06.2020 under Sections 363, 366-A IPC registered at Police Station City Samana, District Patiala, Punjab, who is in custody since 31.07.2020.

Learned counsel for the petitioner herein would contend that the prosecutrix had voluntarily left her home and had started to reside with the petitioner as would be evident from the Crl. Writ Petition No.3384 of 2020 filed by her in the High Court. It is contended that she had also suffered statement under Section 164 Cr.P.C. wherein she had clearly stated that she had gone along with the petitioner on her own free will. It is further argued that the matter has been investigated and the challan already stood presented and hence, further custodial interrogation of the petitioner would not be required.

Learned counsel appearing on behalf of the respondent-State

opposes grant of regular bail to the petitioner by contending that the allegation raised against the petitioner are serious in nature of having kidnapped the minor sister of the complainant.

I have heard learned counsel for the parties have perused the paper book.

Keeping in view the fact that the prosecutrix has suffered statement under Section 164 Cr.P.C. that she had gone along with the petitioner on her own free will and the challan has already been presented coupled with the fact that the trial is likely to take some time to conclude owing to *novel corona virus* pandemic situation, no useful purpose would be served by keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)

JUDGE

November 24, 2020

Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No