

In the High Court of Punjab and Haryana at Chandigarh

230

CRM-M-41611-2020 (O & M)
Date of Decision: December 16, 2020

AJAY PAL @ AJAY KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. G.S. Dhillon, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.131 dated 16.09.2020, under Sections 366 and 120-B IPC (Offences under Sections 363, 366-A, 376, 344 and 509 IPC and Sections 4 and 6 of the Protection of Children from Sexual Offence Act, 2012, were added later on), registered at Police Station Makhu, District Ferozepur.

Learned counsel for the petitioner contends that petitioner is alleged to have eloped with the daughter of the complainant. He also contends that in the FIR itself, it has been mentioned that the date of birth of the daughter of the complainant is 12.02.2002, therefore, she is over 18 years of age. He has also drawn my attention to the copies of the Aadhar card and matriculation certificate of the daughter of the complainant (Annexures P-2 and P-2/A) which indicate that her date of birth is 12.02.2002. The daughter of the complainant had earlier been sent to Children Home, Gandhi Vanita Ashram, Kapurthala. In a petition seeking writ of habeas corpus bearing CRWP-8790-

2020, this Court had directed her release from the Ashram and her custody has been handed over to her in-laws after recording her statement that she has performed marriage with the petitioner on her own accord. The petitioner is in custody for over 2 ½ months.

Learned State counsel upon instructions from ASI Satnam Singh states that although the challan has been filed but charges are yet to be framed. He, however, is not in a position to controvert the averments of the learned counsel for the petitioner that the daughter of the complainant, as per the documents, is over 18 years of age and recorded her statement that she has performed marriage with the petitioner on her own accord.

In view of the submissions of learned counsel for the petitioner, especially when the petitioner is in custody for over 2 ½ months, Covid 19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

December 16, 2020
A.Kaundal

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