

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-51243 of 2019 (O&M)

Date of Decision: 06.02.2020

Raju

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

CRM-3904-2019:

The application is allowed. Document Annexure P-8 is taken
on record subject to all just exceptions.

Criminal Misc. No.M-51243 of 2019:

Prayer in the present petition filed under Section 439 of the
Code of Criminal Procedure, 1973 is for grant of regular bail to the
petitioner in case FIR No.22 dated 08.05.2019 under Sections 328, 343,
365, 376-D IPC and Section 6 POCSO Act registered at Police Station
Nandgarh, District Bathinda.

The aforesaid FIR was registered at the behest of the complainant with the allegation that on 17.01.2019 at about 4-00 A.M., when the prosecutrix had gone to answer the call of nature in open area, the petitioner and his uncle Teja came from behind and made her to smell something with the handkerchief. They picked the prosecutrix in semi-conscious condition in a white colour Pick-up. By the time she gained consciousness, she found herself in the house of maternal uncle of Raju at Hanumangarh Suresia Basti, where they kept her hostage for four days. The petitioner raped her there and kept on giving intoxicants to her. Thereafter, the petitioner and his uncle Teja took her to Mirjeana Ganganagar, where they kept her for one month. The petitioner and his uncle kept on raping her there. Thereafter, the prosecutrix was brought to Chandigarh. Firstly, they solemnized her marriage in a temple and later on, caused her appearance before Protection Judge at Chandigarh. Thereafter, they boarded a bus and went to Gujarat, where they kept her for one month. Then they brought her to Ghudha. In village Ghudha, they used to lock her, where one day, she got a chance to pick up the mobile of the petitioner and thereby, called her maternal uncle Jasveer and fled away from there. She boarded a bus and came to Village Kaljharani, where she found her maternal uncle and then came to Dabwali. She narrated the entire story to her mother. She was taken to police station, where the FIR in question was registered.

Learned counsel for the petitioner has argued that in fact, the prosecutrix has solemnised marriage with the petitioner against the wishes of her parents and for this reason, they approached this Court by way of

CRM-M-4777-2019 so as to seek protection for having solemnised marriage against the wishes of her parents and the said petition was disposed of vide order dated 01.02.2019 (Annexure P-3). He has further argued that the petitioner and the prosecutrix were visiting one place after the other before and after the marriage, but she has not filed any complaint against the petitioner during this period except the present FIR. Even otherwise, the prosecutrix has been examined in the case and in case the petitioner is released on bail, she is not likely to be influenced by the petitioner. The petitioner is in custody since 25.06.2019.

Learned State counsel does not dispute the custody of the petitioner and the fact that the parties have approached this Court so as to seek protection.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 25.06.2019 and the prosecutrix has already been examined in the case coupled with the fact that the parties kept on moving from one place to another and the prosecutrix having not reported the matter immediately after her abduction and earlier also, she along with the petitioner had approached this Court seeking protection, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observation made hereinabove shall not be construed as an expression on the merits of the case.

February 06, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No