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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8072-2021 (O&M)
Date of decision : 10.09.2021

Gaurav @ Gorav

.... Petitioner

Versus

UT Chandigarh

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rohit Khullar, Advocate
for the petitioner.

Ms. Vasundhara Dalal, APP, UT Chandigarh.

RAJESH BHARDWAJ, J. (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

CRM-28531-2021

Application is allowed as prayed for.

Annexures P-3 to P-7 are taken on record.

CRM-M-8072-2021

Petitioner has approached this Court praying for grant of regular bail in case FIR No.04 dated 05.01.2021, under Sections 363, 366 IPC, registered at Police Station 39, Chandigarh.

It has been contended by learned counsel for the petitioner that the FIR in question has been registered by father of the victim, namely, Mahesh Sharma, who has alleged in the FIR that his daughter who is 15 years of age, was missing from home. He alleged that on inquiry, he found one boy, namely, Gorav son of Upender who had enticed her away on the pretext of marriage and prayed for taking the legal action. In pursuance to the FIR, investigation started, the challan was presented and the trial commenced.

Learned counsel for the petitioner vehemently contends that the implication of the petitioner is writ large in the latest development wherein father of the victim, who is the author of the FIR, has been examined as PW-3 and the victim has been examined as PW-2. He has placed on record the testimony of both these witnesses which would show that both the witnesses did not support the case of the prosecution and were declared hostile on the request of learned Public Prosecutor. He further submits that as the material witnesses have not supported the case of the prosecution, the incarceration of the petitioner is totally unjustified and he be enlarged on bail.

Ms. Vasundhara Dalal, APP, UT Chandigarh opposes the contentions raised by counsel for the petitioner and submits that the victim is a minor and the petitioner is involved in a serious offence. However, she candidly accepts the factual position that both these material witnesses have not supported the case of the prosecution and declared hostile. She submits that the prosecution has in all 15 witnesses, out of which 5 have been examined including both these witnesses and the next date before the trial Court is fixed for 11th October, 2021.

I have heard learned counsel for the parties and perused the record.

In the overall facts and circumstances of the case, the Court finds that learned counsel for the petitioner has succeeded in making out a case for bail to the petitioner. The present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

10.09.2021
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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