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

CRM-M-9345-2021 (O&M)

Date of Decision: 14.10.2021

RAJA

.... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Munish Puri, Advocate, for the petitioner.

Mr. M.S. Dullat, Additional Advocate General, Punjab.

JAISHREE THAKUR.J (Oral)

CRM-34778-2021

This is an application filed under Section 482 Cr.P.C. to amend the head note as well as prayer clause of the main petition while inserting Sections 323, 366, 506 IPC.

For the reasons mentioned in the application, same is allowed and Sections 323, 366, 506 IPC are ordered to be incorporated in the head note as well as in the prayer clause of the petition. The amended head note and the prayer clause are taken on record.

CRM-M-9345-2021

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0065, dated 02.08.2020, registered under Sections 363, 366-A of IPC (Sections 323, 366 and 506 IPC added lateron) at Police Station Phase 11, SAS Nagar.

Counsel for the petitioner would contend that the statement of the prosecutrix under Section 164 Cr.P.C. has been recorded in which she

has admitted to solemnizing marriage with the petitioner herein after she left her parental home. It is further submitted that she got married out of her own sweet will and did not tell her parents about it. It is argued that now the charges have been framed and the custody of the petitioner would no longer be required while contending that the custody of the prosecutrix has been handed over to her parents and, therefore, the question of the petitioner herein influencing her testimony would not arise.

Learned counsel appearing on behalf of the respondent-State opposes the grant of regular bail but is not in a position to dispute the fact that the prosecutrix in her statement has stated that she has solemnized the marriage with the petitioner herein with her own sweet will. She was aged 17 ½ years at that time.

I have heard learned counsel for the parties.

Keeping in view the fact that the petitioner is in custody since 27.09.2020 and the fact that trial in the case will take time to conclude, this Court deems it appropriate to allow regular bail to the petitioner. Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal bond in a sum of ₹50,000/- with one surety of like amount to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

(JAISHREE THAKUR)
JUDGE

14.10.2021

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