

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

CRM-M-10020-2021 (O&M)

Date of Decision: 26.05.2021

Harnam Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Surmeet Singh, Advocate for the petitioner.

Mr. R.S.Khaira, AAG, Punjab.

HARINDER SINGH SIDHU, J

CRM-14881-2021

Prayer is for preponement of date of hearing.

Notice of the application.

Sh.R.S.Khaira, AAG, Punjab accepts notice on behalf of
respondent-State.

Heard.

Application is allowed and the matter is taken up for hearing
today itself.

Main Case

Present petition has been filed under Section 439 seeking
regular bail in case FIR No. 37 dated 22.02.2020 under Section 363, 366-A
and 120-B of IPC (Sections 376 IPC and Sections 6 and 17 of POCSO Act
added later on) registered at Police Station City Nawanshahr, District S.B.S.
Nagar.

FIR was registered on the statement of Ramesh Kumar Shah,

wherein it is alleged that he was living with his wife, three children and a

sister, the prosecutrix in quarters situated within the Saluja Factory. It is alleged that on 21.02.2020, at about 5:00 p.m. petitioner and his wife came to the house of the complainant at Kariam road Nawanshar and took away his sister by stating that they are going for Shivratri to the temple, however, they did not return. It is also alleged that the sister of the complainant had taken Rs. 26,000/- from his house. The accused persons had taken the sister of the complainant by misleading her with the intention of getting her married with some unknown person.

During investigation, prosecutrix was recovered from the custody of co-accused Ajay Kumar. Her statement was recorded by the police, wherein she stated that said Ajay Kumar had solemnized marriage with her on 22.02.2020 against her wishes.

Learned counsel for the petitioner has argued that the allegations that the marriage was solemnized against the wishes of the prosecutrix are totally false. Infact she had gone of her own free will and performed marriage with co-accused Ajay Kumar. The marriage of the prosecutrix with Ajay Kumar was with the consent of her family members.

If the marriage was against the wishes of the prosecutrix there was no reason why she remained silent for about six months after marriage. At the time of the marriage the prosecutrix was about 17 years and 11 months. The petitioner is in custody since 01.10.2020. The investigation in this case is complete and challan stands presented.

Without commenting anything on merits of the case and keeping in view the fact that trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19, no useful purpose will be served by keeping the petitioner behind the bars till the conclusion

of trial.

Accordingly, this petition is allowed. Petitioner-Harnam Singh is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate/Illaqa Magistrate concerned.

May 26, 2021
manoj

(Harinder Singh Sidhu)
Judge

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