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

CRM-M-10988-2021

Date of decision : 26.07.2021

Sarabjot Singh @ Gaggi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr. Munish Thakur, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

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.

The present petition is filed under Section 439 Cr.P.C. seeking grant of regular bail in FIR No.147 dated 22.10.2020 registered under Sections 363 and 366-A of the Indian Penal Code at Police Station Shambhu, District Patiala.

It has been contended by learned counsel for the petitioner that though the prosecutrix is less than 18 years of age, however, since beginning she has not supported the allegations made in the FIR as in the statement under Section 161 Cr.P.C. as well as under Section 164 Cr.P.C. She has categorically submitted that she had fallen in love with the petitioner and thus, went with her own choice and consent with the

petitioner and no offence as such, as alleged in the FIR by her father, is made out against the petitioner. He further submits that the petitioner is behind bars since 31.10.2020.

Learned counsel for the petitioner has drawn my attention to the statement of the prosecutrix wherein she has refused even for undergoing the medical test.

On the other hand, learned State counsel has opposed the prayer made by counsel for the petitioner and submitted that out of 16 prosecution witnesses, none has been examined so far.

In the totality of the facts and circumstances of the case and keeping in view the custody period undergone by the petitioner, I find 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.

(**RAJESH BHARDWAJ**)
JUDGE

26.07.2021
m. sharma

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