

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(217)

CRM-M-12287-2021(O&M)

Date of Decision: 14.07.2021

Raj Singh @ Babu @ Rinku

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. M.S. Nagra, A.A.G., 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 has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.240 dated 19.12.2020 under sections 363, 366, 366-A I.P.C, registered at Police Station, Boha, District Mansa.

Learned counsel for the petitioner vehemently contends that the petitioner was falsely implicated in the present FIR and no offence, as alleged, is made out against him. It has been further contended that petitioner is behind bars since 21.12.2020. Counsel has placed on record the testimonies of both the material witnesses i.e. the complainant and the victim, whose statements have been recorded by the Trial Court. Counsel has drawn my attention to the deposition of the victim, wherein she has been shown to be 17½ years of age and has deposed that she went with the petitioner and stayed in a Gurudwara but expressed her inability of getting

married without the consent of her parents. Counsel further argues that as the statement of the victim has already been recorded, there is no threat whatsoever which the prosecution can express in the proceedings of the Trial Court.

On the other hand, learned State counsel has endorsed the contentions of learned counsel for the petitioner that both the material witnesses already stand examined. He has further submitted that out of the total 10 prosecution witnesses only 2 have been examined till date. He, however, opposes the grant of bail to the petitioner.

In the totality of circumstances and without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, concerned.

Nothing stated herein shall be construed as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

14.07.2021

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