

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

205

**CRM-M-17981-2021(O&M)
Date of decision: 19.05.2021**

Dharmanand Thakur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Rahul Bhargava, Advocate, for
Mr. Ruhani Chadha, Advocate,
for the petitioner.**

Mr. R.S.Thind, DAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for bail pending trial in a criminal case arising from FIR No.216, dated 01.08.2020, registered under Section 363/366-A IPC (Section 376/120-B IPC and Section 3 & 4 of Protection of Children from Sexual Offences Act, 2012 added later on), at Police Station Division No.8, District Jalandhar, Punjab.

As per the case of the prosecution, Chander Shekhar, the father of the victim made a statement that he has been informed by his wife that on 31.07.2020, the petitioner-accused has taken away his daughter on the pretext of false promise of marriage.

Learned counsel representing the petitioner submits that there is no evidence of forcible sexual intercourse as the prosecutrix refused to undergo medical examination. He further contends that the petitioner is in custody since 02.08.2020 and the police after completing the investigation has already presented the challan.

On the other hand, Sh. R.S.Thind, Deputy Advocate General, Punjab, has pointed out that the prosecutrix is minor and therefore, her consent is immaterial.

Be that as it may. The petitioner is in custody for the last approximately 9 months. The conclusion of the trial is likely to take time.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 02.08.2020 and the conclusion of the trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the petition is allowed with the aforesaid directions.

May 19, 2021
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(ANIL KSHETARPAL)
JUDGE

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