

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

CRM-M No.22985 of 2021 (O&M)

Date of Decision:29.06.2021

(Heard through VC)

Sumer Singh Saini

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R.K. Arya, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Ms. Sukhveer Kaur Brar, Advocate
for respondent No.2.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.130 dated 20.11.2020 registered under Sections 363, 366 IPC at Police Station, Behrampur, District Gurdaspur.

Learned counsel for the petitioner herein would contend that in fact the petitioner and the prosecutrix solemnized marriage on 11.04.2021 and had approached this Court for protection by way of CRWP No.3796 of 2021, which stands allowed vide order dated 22.04.2021. It is thereafter that the petitioner was arrested. It is argued that no offence under Section 363, 366 IPC is made out because daughter of the complainant admittedly performed a marriage with the petitioner and approached the High Court for protection on her own will. The trial is likely to take some time to conclude and therefore, seeks concession of bail to the petitioner.

Learned counsel appearing on behalf of the respondent-State opposes grant of bail to the petitioner, however, she submits that the investigation has been completed and the challan is likely to be presented within a week.

Learned counsel appearing on behalf of the prosecutrix-respondent No.2 would submit that respondent No.2 is residing happily in her matrimonial home.

I have heard learned counsel for the parties. Keeping in view the fact that the investigation has been completed and the daughter of the complainant namely the prosecutrix is residing in her matrimonial home and the fact that trial is likely to take some time to conclude owing to present COVID-19 pandemic situation, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

June 29, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No