

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

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**CRM-M-27406-2021 (O&M)
Decided on : 09.09.2021**

Roshandeen

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. R.S. Manhas, Advocate
for the petitioner(s).

Mr. P.S. Walia, AAG, Punjab
assisted by ASI Pawan Kumar.

Mr. Vishal Sharma Vasudeva, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

CRM-29018-2021

Compromise-deed dated 01.08.2021 (Annexure P-4) filed along with the application is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

CRM stands disposed of.

CRM-M-27406-2021

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 0050, dated 16.05.2021 (Annexure P-1), under Sections 363, 366, 120-B of IPC, registered at Police Station Taragarh, District Pathankot.

In terms of order dated 22nd July, 2021, of this Court, reply by way of affidavit of Mahinder Pal Singh, PPS, Deputy Superintendent of Police (Rural), Pathankot, on behalf of the respondent – State, has been filed in Court today. Same is taken on record, subject to all just exceptions.

Learned counsel for the petitioner submits that the FIR in question was registered at the instance of the father of the victim, who alleged that she had been enticed away by the petitioner on the pretext of marriage. Learned counsel further submits that the prosecutrix aged above 16 years, on the date of occurrence, was eligible to perform the marriage under the Muslim Personal

Law and subsequently, the marriage had also been accepted by the complainant and his family. In support of his contention, learned counsel has invited the attention of this Court to the Compromise-deed dated 01.08.2021 (Annexure P-4), which has been filed along with the application (CRM-29018-2021).

Mr. Vishal Sharma Vasudeva, Advocate, has put in appearance on behalf of the complainant and does not dispute the factum of compromise. He has submitted that the marriage between the petitioner and the daughter of the complainant has been accepted by the complainant.

Per contra, learned State counsel on instructions from ASI Pawan Kumar, has apprised the Court that the challan stands presented in the instant case and the case is now fixed for framing of charges.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that petitioner has been in custody since 07th June, 2021, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is not likely to conclude in the near future. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 09, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*