

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

232

CRM-M-31050-2021 (O&M)

Decided on : 10.08.2021

NAMAN

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)

PRESENT: Mr. Mandeep Kumar Dhot , Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG Punjab
assisted by ASI Bhadur Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.81, dated 08.08.2020 under Sections 363 and 366-A of the IPC registered at Police Station Balongi, District SAS Nagar.

Learned counsel submits that the petitioner has been in custody since 21st August 2020 and there is no likelihood of the trial concluding in the near future as only challan stands presented as on date. He further submits that the prosecutrix in her statement recorded under Section 164 CrPC did not level any allegation of her forceful abduction by the petitioner, rather she submitted that she had willingly accompanied the petitioner to various places and thereafter the petitioner took her to a temple wherein he performed marriage with her. Learned counsel has further submitted that in fact the prosecutrix is not 17 and a half years old as has been alleged by the

complainant's father but is a major. It has been submitted that it is very evident that both victim and the petitioner were in a consensual relationship as she also refused to get herself medically examined subsequent to her recovery.

Per contra, learned State counsel while opposing the prayer and submissions of the learned counsel for the petitioner on instructions from ASI Bhadur Singh has not been able to controvert the submissions made by the learned counsel with respect to contents of statement of the prosecutrix recorded under Section 164 CrPC as well as the fact that the prosecutrix declined to subject herself to medical examination. He has submitted that though challan was presented in October 2020, however due to the ongoing pandemic, charges have not yet been framed.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case to extend the concession of bail to the petitioner, as the trial is unlikely 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 as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 10, 2021

S.Sharma(syr)

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