

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-32911-2020 (O&M)

Date of Decision:- 4.3.2021

Akash @ Akash Singh @ Baggar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Riffi Bala Birla, Advocate, for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab,
assisted by ASI Mohan Lal.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.147, dated 24.12.2019, Police Station City-2, Abohar, District Fazilka, under Sections 363, 366-A IPC (Section 376 IPC and Sections 4 and 6 of POCSO Act added later on).
2. The FIR was lodged at the instance of Sham Lal wherein it is alleged that his daughter aged 15 years went missing from home on

20.12.2019 and upon inquiries he came to know that his daughter had been enticed away by Akash (petitioner) on the pretext of marriage.

3. Learned counsel for the petitioner has submitted that the victim in question had left her parental home on her own accord and had in fact solemnized marriage with the petitioner against the wishes of her parents constraining her as well as the petitioner seeking protection from this Court which was accordingly granted vide order dated 1.1.2020 (Annexure P-2).
4. It has further been submitted that in fact when statement of the victim was recorded in terms of Section 164 Cr.P.C. she disclosed her age as 18 years and categorically stated that she had solemnized marriage with the petitioner and was having threat from members of her family.
5. Opposing the petition, learned State counsel has submitted that in view of the serious allegations levelled in FIR, no case for grant of bail is made out. Learned State counsel however, could not dispute that the petitioner had been behind bars since the last more than 1 year and that challan already stands presented.
6. Having regard to the aforestated position especially that the victim in her statement under Section 164 Cr.P.C. has not supported the case of prosecution and that the petitioner has been behind bars since the last more than one year and challan already stands presented, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction

of learned trial Court/Chief Judicial Magistrate/Duty Magistrate
concerned.

March 4, 2021

mohan

(GURVINDER SINGH GILL)
JUDGE

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