

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

219

**CRM-M-42547-2021(O&M)
Decided on : 13.10.2021**

MOHAMMED OSAMA

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Chandan Singh Rana, Advocate
for the petitioner.

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

Mr. Rohit Mittal, Advocate
for the complainant.

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.6 dated 15.01.2021 under Sections 363, 366-A and 376 of the IPC and Sections 4 and 8 of POCSO Act, registered at Police Station Model Town, Ludhiana.

Learned counsel for the petitioner *inter alia* contends that the victim was just a few months short of attaining the age of majority, when she of her own accord accompanied the petitioner on 14th January 2021. Learned counsel submits that the factum of she having accompanied the petitioner of her own accord finds support from her statement recorded under Section 164 CrPC, wherein, she had given detailed account of how after leaving her home, she accompanied the petitioner to various places over a period of next two days. Learned counsel submits that the

prosecutrix, who has since attained the age of majority, has given an affidavit stating therein that she is still living with the petitioner with whom she would be solemnizing marriage in the near future.

Per contra, learned State counsel on instructions from ASI Avtar Singh assisted by the learned counsel for the complainant has fairly admitted that in her statement recorded under Section 164 CrPC, the prosecutrix had not levelled any allegations against the petitioner of forcibly trying to entice her away and further stated that she had accompanied the petitioner of her own accord.

I have heard the learned counsel for the parties and perused the material on record.

The petitioner has been in custody since 16.01.2021 and there is no likelihood of the trial concluding any time in the near future. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything contained in this order shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

October 13, 2021
S.Sharma(syr)

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>