

CRM-M-43251-2020
Decided on : 16.09.2021

Akhil

..... Petitioner

Versus

State of UT, Chandigarh

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. S.S.Sarwara, Advocate
for the petitioner.

Mr. A.M.Punchhi, PP, UT, Chandigarh.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.139 dated 15.07.2020 registered under Sections 363, 366 IPC, 1860 (Section 376(2) IPC and Section 6 of POCSO Act added later on) at Police Station Sector 36, Chandigarh.

Learned counsel for the petitioner *inter alia* contends that the FIR in question was got registered at the instance of parents of the prosecutrix as they were averse to their daughter's friendship with the petitioner. Learned counsel has invited the attention of this Court to Annexure P-5 wherein prosecutrix had stated that she had gone away from her house on 10.07.2020 as her mother used to beat her and threaten her. The said fact also stands reflected in the medico-legal report, which is an under:

“According to the victim Khushboo she ran away from her house on 10.07.2020 at 10.00 am because her mother used to beat her and threatened her. She went to her friend Akhil at village Bilongi, SAS Nagar, Mohali.

They did Court marriage on 12.07.2020 in front of Advocate name not known. She remained with her husband with since then. They had sexual relationship 3-4 times. Last sexual intercourse was on 18.07.2020. There is no history of physical assault.”

Learned counsel submits that it is thus, evident that a false case has been planted upon the petitioner of enticing away the victim on the pretext of solemnizing marriage. The petitioner has been in custody since 15.07.2020. Hence, a prayer has been made for extending the concession of bail to the petitioner.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has apprised the Court that prosecution evidence is underway and the chief of the prosecutrix stands concluded. He has, however, not been able to controvert the fact that the victim did not level any allegation of wrong doing against the petitioner, however, he has submitted that the victim was a minor on the date of alleged occurrence.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 15.07.2020, the trial is unlikely to conclude in the near future. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the 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.

16.09.2021
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No