

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43236 of 2020

Date of Decision: 05.03.2021

Ajay Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. M.S. Dhani, Advocate for the petitioner.

Mr. Sukhbir Singh, AAG, Punjab.

HARINDER SINGH SIDHU, J.

Present petition has been filed under Section 439 seeking regular bail in case FIR No. 37 dated 22.02.2020 under Section 363, 366-A and 120-B of IPC (Sections 376 IPC and Sections 6 and 17 of POCSO Act added later on) registered at Police Station City Nawanshahr, District S.B.S. Nagar.

FIR was registered on the statement of Ramesh Kumar Shah, wherein it is alleged that he was living with his wife, three children and a sister the prosecutrix in quarters situated within the Saluja Factory. On 21.02.2020, at about 5:00 p.m. one Harnam Singh and his wife came to the house of the complainant at Kariam road Nawanshar and they took away with his sister by stating that they are going for Shivratri to the temple. But they did not come back. It is also alleged that the sister of the complainant had taken Rs. 26,000/- from his house. It is alleged that the accused persons had taken the sister of the complainant by misleading her with the intention of getting her married with some unknown persons.

During investigation, prosecutrix was recovered from the custody of the petitioner. Her statement was recorded by the police, wherein she stated that the petitioner had solemnized marriage with her on 22.02.2020 against her wishes.

Learned counsel for the petitioner has argued that the

allegations that the marriage was solemnized against the wishes of the prosecutrix are totally false. Infact she had gone of her own free will and married the petitioner. The marriage of the prosecutrix with the petitioner was with the consent of her family members.

If the marriage was against the wishes of the prosecutrix there was no reason why she remained silent for about six months after marriage. At the time of the marriage the prosecutrix was about 17 years and 11 months. The petitioner is in custody since 31.08.2020. The investigation in this case is complete. Challan Stands presented.

Without commenting anything on merits of the case and keeping in view the fact that trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19, no useful purpose will be served by keeping the petitioner behind the bars till the conclusion of trial.

Accordingly, this petition is allowed. Petitioner-Ajay Kumar is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate/Illaqa Magistrate concerned.

[HARINDER SINGH SIDHU]
JUDGE

March 05, 2021

rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no