

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

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**CRM-M No. 7035 of 2022
Date of Decision : 21.2.2023**

Jagmail Singh alias Honey

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. K.S. Sidhu, Advocate, for the petitioner

Mr. Jashandeep Singh, AAG. Punjab

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.182 dated 15.8.2021 under Sections 363, 366-A IPC (Sections 420, 468, 471, 376, 506, 199, 200 IPC and Sections 3 and 4 of POCSO Act added and Sections 468, 471 IPC deleted later on), registered at Police Station Sadar, Sri Muktsar Sahib, District Sri Muktsar Sahib.

As per the FIR, lodged on the complaint of victim's mother, while coming home after cutting fodder, she noticed her daughter, aged about 13 years, riding pillion with the petitioner. She tried to stop the two, but they fled away on the motor cycle. It was alleged that the petitioner had kidnapped the minor on the pretext of getting married.

Learned counsel for the petitioner contends that the petitioner and the complainant's daughter had an affair; they married and filed a petition seeking protection of their lives and liberty before the Sessions Judge, Sri Muktsar Sahib. At that time, the victim's statement dated 17.8.2021 (Annexure P-7) was recorded stating that she had an affair with the petitioner and the two had solemnized marriage on that day. She also stated her date of birth was

1.1.2002. Based on the statement, their petition was disposed of by issuing appropriate directions to the authorities concerned vide order dated 17.8.2021. It is further submitted that the victim refused her medical examination, and her statement to that effect, dated 14.10.2021, is on record. The trial of the case is not progressing, so far, out of thirty two, only one prosecution witness has been examined and the petitioner remains in custody since 14.10.2021.

Learned State counsel, on instructions from ASI Jasvir Singh, does not dispute the facts aforestated by learned counsel for the petitioner. However, he opposes the grant of bail by stating that trial of the case is already going on and the prosecutrix has also been examined. Besides, the victim later on subjected herself to medical examination, and the FSL report was awaited.

From the facts stated above, it is apparent that the petitioner and the victim had earlier approached the Sessions Court seeking protection of their lives and liberty after solemnizing marriage. Besides, trial of the case is progressing at a sluggish pace. It will take a long time to conclude as thirty one prosecution witnesses are still to be examined, though the prosecutrix/victim stands examined. No useful purpose will be served by confining the petitioner to custody during trial, in these circumstances.

Accordingly, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(TRIBHUVAN DAHIYA)
JUDGE

21.2.2023
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No