

223

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

CRM-M-11826-2023 (O&M)

Date of Decision:- 04.05.2023

JONY PAL ALIAS JOHNY PAL

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Deepak Gupta, Advocate for the petitioner.
Mr. Kunwarbir Singh, Assistant A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

The petitioner – Jony Pal alias Johny Pal filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.45 dated 04.03.2021 under Sections 363, 366-A, 376 IPC and Section 6 of POCSO Act, 2012, registered at Police Station Tibba, District Police Commissionerate, Ludhiana.

The facts of the case are that the complainant gave his statement to the police that he is father of 5 daughters and 2 sons. His daughter i.e. victim aged about 17 years had passed 8th class. On 25.02.2021 he was present in the house along with his family. After taking dinner they had gone to sleep. He woke up in the morning and found that the victim was not present in the house. He tried to search her whereabouts but could not

find her. He suspected Jony son of Ram Singh for enticing away his daughter for the purpose of marriage. With these allegations the present FIR has been registered. Later-on the victim was recovered and her statement under Section 164 CrP.C. was recorded. The investigation was completed and thereafter challan was presented in the Court and the case is pending for recording of prosecution evidence.

Learned counsel for the petitioner argued that he was arrested in this case on 19.07.2021 and since then he is in judicial custody. In-fact he and the alleged victim had performed marriage on 28.02.2021 at Arya Samaj Adrash Colony, Muzafarnagar with their free consent. They had filed writ petition No.9853-2021 in the Hon'ble High Court of judicature at Allahabad for protection of life and liberty. He has also placed on record photos of marriage, their marriage certificate, order passed by High Court as well as copy of Aadhar Cards as Annexures P-2 to P-5. The statement of the victim recorded before the Magistrate under Section 164 Cr.P.C. is Annexure P-6 where she has supported the version of the petitioner and she was not willing to go to her parent's house. She was pregnant at that time. Copy of MLR is Annexure P-7. The victim was sent to Shri Balaji Prem Ashram and Nikhil Vidyalya, Lalton Kalan, Ludhiana. The copy of said order dated 17.08.2021 is Annexure P-8. The pregnancy was terminated at PGI Chandigarh. Now the statement of victim has been recorded in the Court as PW-1 which is Annexure P-9. He argued that she came under the pressure of family and now she has performed marriage somewhere else. The petitioner will abide by the terms of bail order. The trial will take some time. Therefore, his regular bail application may be allowed.

The bail application is opposed by learned counsel representing the State on the ground that the victim was a minor. The allegations are specific and serious in nature. Therefore, considering the gravity of offence, he is not entitled to be released on regular bail.

I have considered the facts of the case. Learned counsel for the petitioner has placed on record the photographs of marriage along with marriage certificate dated 28.02.2021. It is also a matter of record that when the statement of victim was recorded under Section 164 Cr.P.C. she supported the version of the petitioner. Copy of said statement is Annexure P-6. The MLR of victim is also placed on record. It is also not disputed that her pregnancy was terminated. The statement of victim was recorded as PW1, which is Annexure P-9. She did not support the version of the petitioner. Rather she claimed that she was influenced by the present petitioner. However, the fact remains that the statement of the victim has been recorded. Now there is no question of influencing the material witnesses. The petitioner is behind the bars since 19.07.2021. The trial of this case may take long time. Considering the aforesaid facts and without expressing my mind on the merits of the case, the regular bail application filed by Jony Pal alias Johny Pal is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge.

The petition stands accepted.

04.05.2023

snd

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No