

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CRM-M-30690-2021 (O&M)

Date of Decision: 15.02.2023

Mansa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Chandan Singh Rana, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Sukhdev Singh)

JAGMOHAN BANSAL, J. (ORAL)

The petitioner through instant petition under Section 439 of Code of Criminal Procedure, 1973 is seeking regular bail in FIR No.86 dated 31.08.2019 under Sections 363, 366-A of IPC (Section 376 IPC and Sections 3 and 5 of Protection of Children from Sexual Offences Act, 2012 added later on) registered at Police Station Daresi, District Ludhiana.

Learned counsel for the petitioner, *inter alia* submits that prosecutrix at her own will had eloped and performed marriage with the petitioner. The prosecutrix stayed with the petitioner for more than 5 months and physical relations were made after performing the marriage. The prosecutrix under the pressure of her family members is implicating the petitioner. The prosecutrix has not implicated the petitioner under Section 164 Cr.P.C.

Learned State counsel, *inter alia* submits that prosecutrix at the time of commission of alleged offence was 15 years old thus, her consent was irrelevant. The petitioner was major.

Learned counsel for the petitioner on being confronted with this fact seeks permission to withdraw the present petition and prays that the Trial Court may be directed to conclude the trial expeditiously.

The petitioner admittedly was 19 years old at the time of commission of alleged offence and he is in custody for more than 3 years. The prayer of the petitioner that trial be concluded at the earliest is just and fair. Even otherwise, in terms of proviso to Section 309 Cr.P.C., trial in such cases needs to be concluded within 2 months from the date of filing of the charge sheet. In the case in hand, the prime witnesses stand examined.

In view of above-stated facts, the Trial Court is requested to expedite the trial and preferably conclude the examination of prosecution witnesses within 3 months from today

Disposed of in above terms.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

15.02.2023

Mohit Kumar

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No