

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.:214

Criminal Miscellaneous No.M-39434 of 2021

Date of Decision: January 19, 2023

Ajay Kumar @ Ajay Kashyap

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

. . .

PRESENT: - Mr. Sandeep Verma, Advocate for the petitioner.

Mr. Kunal Vinayak, Assistant Advocate General Punjab.

. . .

Tribhuvan Dahiya, J (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner during pendency of trial in case FIR No.243 dated 04.08.2020, under Section 376 and Section 6 of POCSO Act, registered at Police Station, Derabassi, District Mohali.

Learned counsel for the petitioner submits that during trial both the petitioner and prosecutrix as well as her mother have not supported the prosecution and were declared hostile. The petitioner was granted interim bail vide order dated 30.08.2022 to enable him to perform marriage with the prosecutrix. On instructions from the petitioner as well as the prosecutrix, who are present in the Court, he states that both of them have solemnized marriage and are staying together.

Learned State counsel, on instructions from ASI Ashok Kumar, opposes the grant of bail by stating that trial of the case is going on and two out of twenty witnesses have already been examined.

In view of the facts enumerated above, where the petitioner

as well as the prosecutrix have settled issues between them and married also, no useful purpose would be served by confining the petitioner in custody during pendency of the trial which is not likely to conclude in near future.

In view thereof, the petition is allowed and the petitioner is ordered to be released on bail on furnishing of requisite bonds/sureties to the satisfaction of trial Court/Duty Magistrate concerned.

(Tribhuvan Dahiya)
Judge

January 19, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No