

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 211

Criminal Miscellaneous No.M-51221 of 2022

Date of Decision: February 08, 2023

Suraj

..... PETITIONER(S)

VERSUS

State of UT, Chandigarh

..... RESPONDENT(S)

...

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

...

PRESENT: - Mr. Vinod Kumar Kaushal, Advocate for the petitioner.

Mr. Deepak Malhotra, Advocate for Mr. Simsi Dhir
Malhotra, Addl. P.P., U.T. Chandigarh.

. . .

Tribhuvan Dahiya, J (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.139 dated 25.09.2021, under Sections 363, 366 IPC (Section 376(2)(n) IPC and Section 6 of POCSO Act, 2012 added later on), registered at Police Station Sector-31, Chandigarh.

As per allegations in the FIR, lodged on the complaint of the victim's brother, it is alleged that she was missing from home from 20.09.2021. It was suspected that the petitioner had taken her away as he wanted to solemnize marriage with her.

Learned counsel for the petitioner contends that, infact, the petitioner and the complainant's sister, who was minor at the time of the lodging of the FIR, have married. A child is also born out of the wedlock on 23.04.2022, whose date of birth certificate is a part of the challan. It is further submitted that trial of the case is not progressing, as only three out of the eighteen witnesses have been examined. The complainant's sister was

summoned by the trial Court for recording of testimony on 13.12.2022 and also on 31.01.2023, but she did not appear. The petitioner is in custody since 22.06.2022.

Learned counsel appearing for U.T., on instructions from ASI Naresh Kumari, is not able to dispute the facts aforesaid. He, however, opposes the grant of bail by contending that trial is already going on and the remaining witnesses would soon be examined.

Keeping in view the undisputed facts enumerated above, and also that trial of the case will take some time to conclude, it is deemed appropriate to release the petitioner from custody.

Therefore, 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

February 08, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No