

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 21661 of 2015 (O&M)

Date of decision : August 27, 2015

Fateh Singh @ Fatta Ram,

..... Petitioner

v.

State of Punjab,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. SK Daaria, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. A.G Punjab

Mr. AK Khunger, Advocate
for the complainant.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
- 2. To be referred to the Reporters or not ?**
- 3. Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

The petitioner seeks grant of anticipatory bail in case FIR No.63, dated 2.5.2014, registered under Sections 363, 366-A, 376 of the IPC and Section 4 of the POSCO Act, at Police Station Bahav Wala, District Fazilka.

The admitted facts are that the daughter of the complainant got married to the petitioner and originally FIR was lodged under Sections 363, 366-A of the IPC against the petitioner and he was arrested and released on bail. Thereafter, the complainant placed on record birth certificate of his

daughter, as per which she was minor on the date of marriage and consequently, offence under Section 376 of the IPC and Section 4 of the POSCO Act was enhanced.

Counsel for the petitioner has argued that apart from the merits and the above mentioned facts, the daughter of the complainant is even till date residing with the petitioner and there is also a child from this marriage.

Counsel for the respondent, on instructions from ASI Iqbal Singh, has accepted all these factual assertions.

In these circumstances, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner. Resultantly, this petition is allowed and it is directed that in the event of his arrest, the petitioner shall be released on anticipatory bail by the Investigating Officer to his satisfaction subject to the compliance of the provisions as contained in Section 438(2) of the Cr.P.C.

August 27, 2015
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(AJAY TEWARI)
JUDGE