

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

CRM-M-663-2015 (O&M)

Date of decision : 12.02.2015

Pawan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ajay Pal Singh, Advocate for the petitioner.

Mr. Mehardeep Singh, DAG, Punjab,
assisted by HC Krishan Lal.

JITENDRA CHAUHAN, J.

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of pre-arrest bail to the petitioners, in case FIR No.55 dated 14.04.2014, registered under Sections 363, 366-A, 376 of the Indian Penal Code, (for short, 'the IPC') at Police Station Bahav Wala, Distt. Fazilka.

It is contended that the prosecutrix solemnized marriage with the petitioner on 06.05.2014. In pursuance of the order passed by this Court on 18.07.2014, the custody of the prosecutrix, on her making statement that she wanted to go to her matrimonial home, was handed over to the mother of the petitioner by the Court of learned Judicial

Magistrate 1st Class, Abohar.

On the other hand, the learned State counsel, on instructions, submits that the prosecutrix is minor.

Heard.

The question of age of the prosecutrix being disputed question of fact, need not be considered at this stage. Keeping in view the fact that the prosecutrix solemnized marriage with the petitioner, made a statement to this effect under Section 164 Cr.P.C. before the learned Judicial Magistrate and is still residing in the matrimonial home, without adverting to the merits of the case, the instant petition is allowed the the order dated 13.01.2015, passed by this Court, is made absolute.

12.02.2015

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**(JITENDRA CHAUHAN)
JUDGE**