

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

CRM-M-20984-2017 (O&M)
Date of decision : 15.09.2017

Avtar Singh @ Tari

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. PPS Duggal, Advocate for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab,
assisted by HC Dalbir Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.27 dated 21.02.2016, registered under Sections 363, 366-A and 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012, at P.S. Dharamkot, District Moga.

Contents that the petitioner and the daughter of the complainant solemnized marriage on 23.02.2016. A petition for protection of their lives and liberty was also filed before this Court (Annexure P-1), wherein, Aadhar card of the prosecutrix was also annexed as Annexure P-2, which records date of her birth as 01.01.1997, and therefore, it is asserted that she was 19 year and 01 month old as on the date of her marriage. The complainant has concealed this material fact. Learned counsel further refers to the statement of the prosecutrix recorded under Section 164 Cr.P.C., wherein, she has stated that she does not wish to go back to her parental home.

On the other hand, learned State counsel has opposed the

instant petition. On instructions, learned State counsel submits that the trial is in progress and out of sixteen prosecution witnesses, nine have already been examined, including the prosecutrix.

Heard.

The petitioner is in custody since 29.04.2016. All the material witnesses have been examined, including the prosecutrix. It is the case of the petitioner that he had solemnized marriage with the petitioner.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

15.09.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No