

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

CRM No. M-26855 of 2016.

Date of Decision: 31.08.2017.

Vinod Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. L.S. Sekhon, Advocate,
for the petitioner.

Mr. AS Gill, Sr. DAG Punjab.

None for the complainant.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 439 the Cr.P.C seeking regular bail in case FIR No. 125 dated 13.12.2015 registered under Sections 363, 366-A and 376 IPC and Sections 3 & 4 of Protection of Children from Sexual Offences Act, 2012 at Police Station Lehra, District Sangrur.

On 10.08.2016 this Court had passed the following order:-

“The petitioner is seeking regular bail under Section 439 Cr.P.C. in case FIR No.125 dated 13.12.2015, under Sections 363/366-A IPC (Section 376 IPC added later on), registered at Police Station, Lehra, District Sangrur.

The petitioner had solemnized marriage with Beero, daughter of the complainant and had got protection from this Court vide order dated 14.01.2016 passed in CRM-M-1395-2016. Thereafter, vide order dated 14.06.2016, the Judicial Magistrate Ist Class, Munak

sent Beero to Nari Niketan.

Learned State counsel has informed the Court that in June, 2016, she was 25 weeks' pregnant.

Adjourned to 31.08.2016.

In the meantime, keeping in view the period of incarceration, the petitioner is ordered to be enlarged on bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Sangrur.

The investigating Officer is directed to produce the girl in Court on the next date of hearing. Petitioner is also directed to be present in Court along with his family members on the date fixed.”

Thereafter, on 17.08.2016 this Court had passed the following order:-

“Notice of the application.

On the asking of the Court, Ms. Anmol Grewal, AAG, Punjab accepts notice on behalf of the respondent-State.

Initially, FIR in the present case was registered under Sections 363 and 366-A IPC. However, later on offence under Section 376 IPC and Sections 3 & 4 of Protection of Children from Sexual Offences Act, 2012 have been added. Accordingly, a prayer has been made by learned counsel for the applicant-petitioner to add the aforesaid sections in the heading and prayer clause of the main petition.

In view of the averments mentioned in the application, same is allowed and Sections 3 & 4 of Protection of Children from Sexual Offences Act, 2012 are ordered to be added in the prayer clause of the main petition. The petitioner be released on regular bail under these sections as well.”

Learned counsel for the petitioner contends that the the petitioner had affair with the daughter of the complainant, namely,

Beero. Both of them solemnized marriage and approached this Court for protection by filing CRM M-1395 of 2016. The offences of kidnapping and rape are not made out at all in this case.

On the other hand, the learned State counsel opposes the bail application.

Heard.

In view of above, the orders dated 10.08.2016 and 17.08.2016 passed by this Court granting interim regular bail are made absolute, subject to furnishing of bail-bonds/surety bonds by the petitioner to the satisfaction of the CJM/Duty Magistrate concerned.

The petition stands allowed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

31.08.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No