

Criminal Misc. M- No. 3739 of 2017 (O&M)

Date of decision : March 22, 2017

Jeevan Kumar @ Totu

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Munish Puri, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Additional AG, Punjab.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 117 dated 15.08.2014 registered under Sections 363, 366 IPC (Section 376 IPC and Sections 5 and 6 Protection of Children from Sexual Offences Act, 2012 added later) at Police Station Division No. 2, Pathankot, District Pathankot.

It is submitted that the petitioner and the complainant's daughter had in fact solemnised marriage on 18.02.2016. A child was born out of this wedlock on 28.09.2016. It is submitted that the alleged victim is residing with the parents of the present petitioner. She has deposed before the learned trial Court that she was never kidnapped by the petitioner, neither was violated by him. The complainant has not supported the prosecution version. CRM-M No. 45067 of 2016 has been filed before this Court for quashing of the present FIR.

The factual position, as above, is affirmed by learned counsel for the State, on instructions from HC Bhupinder Singh.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. Consequently, the petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

March 22, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No