

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

**CRM-M-38289-2017
Date of decision: 30.10.2017**

Karam Chand alias Kannu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Balpreet Sidhu, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 70 dated 22.07.2011, under Sections 363 and 366 of the IPC, registered at Police Station Dialpura, District Bathinda.

Counsel for the petitioner contends that the instant FIR came to be registered in the year 2011 on the allegation that the petitioner had kidnapped the minor daughter of the complainant. The petitioner herein performed marriage with the daughter of the complainant as per Hindu rites on 12.08.2011 and approached this Court seeking protection to their lives and liberty by way of filing *CRM-M-24819-2011* which was allowed and protection was granted to them by an order dated 17.08.2011 (Annexure P-2). Thereafter, a cancellation report was filed on 11.05.2011, however, since the matter was pending, the petitioner came to be arrested on 19.06.2017. Counsel for the petitioner further contends that in fact the petitioner herein and the daughter of the complainant, namely Paramjit

Kaur, were married as far back as 2011 itself and out this wedlock, two children have born. It is, thus, submitted that no useful purpose would be served in keeping the petitioner behind bars.

Mr. Davinder Bir Singh, DAG, Punjab, has put in appearance on behalf of the respondent-State and contested the bail application. He submits that the petitioner was arrested on account of the fact that he was declared proclaimed offender on 06.04.2017. He opposes the grant of regular bail to the petitioner, however, is not able to dispute the fact that the petitioner and the daughter of the complainant have solemnized their marriage, out of which, two children have born.

I have heard learned counsel for the parties and in view of the fact that the petitioner and the daughter of the complainant were residing together, no useful purpose would be served in keeping the petitioner in judicial custody furthermore. Hence, without going into the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petitioner will also be at liberty to have the PO order set aside.

30.10.2017

Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No