

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

CRM M-47752 of 2017 (O&M)

Date of Decision: 19.12.2017.

Amarjit @ Kaka @ Biri

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Tarun Vir Singh Lehal, Advocate,
for the petitioner.

Ms. Gulnoor Ghumman, AAG Punjab
assisted by ASI Chhaju Ram.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 439

Cr.P.C seeking bail in case FIR No.45 dated 21.08.2017 registered under Sections 363, 366-A and 376 IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 at Police Station Dorangla, District Gurdaspur.

Learned counsel for the petitioner contends that the the prosecutrix always projected herself to be major. The petitioner and the prosecutrix had solemnized marriage with each other on 04.09.2017 and approached this Court by way of filing petition for protection of their lives and liberty as is clear from Annexure P-2. Thereafter, in the FIR lodged by the father of the prosecutrix, the petitioner was arrested. Learned counsel refers to Annexure P-3, copy of ration card, to contend that she has reached the age of discretion. It is further contended that the petitioner is in custody since 25.08.2017.

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

Heard.

Considering the fact that the parties have solemnized marriage with each other and approached this Court for protection of their lives and liberty; challan stands already presented; the petitioner is in custody since 25.08.2017, even charges have not been framed; therefore, it can be safely inferred that the completion of trial will take a long time so, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate concerned.

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

19.12.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

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