

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

**CRM-M-11986-2018
Date of decision: 06.08.2018**

Jeewan Kumar @ Jeevan Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rajeev Dev Sharma, Advocate,
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.72 dated 06.11.2017 under Section 376 IPC, Sections 9, 10, 11, 15 of Prohibition of Child Marriage Act, and Section 6 of POCSO Act, registered at Police Station Kanwan, Pathankot, Tehsil & District Pathankot.

Learned counsel appearing on behalf of the petitioner would contend that in fact a fraud had been played upon him as he was not told about the correct age of the girl whom he married. The marriage was solemnized with the consent of the mother of the girl. It is also argued that after registration of the FIR by the complainant, father of the minor girl, the matter has been compromised.

Mr. S.K. Chaoudhary, Advocate, puts in appearance and files power of attorney on behalf of the complainant and admits that the matter has been compromised with the petitioner and he would have no objection in case the petitioner herein is released on regular bail.

Ms. Rajni Gupta, learned Sr. DAG, Punjab opposes the grant of bail alleging that there are serious allegations against the petitioner.

I have heard learned counsel for the parties.

In view of the fact that the matter has been investigated and challan has been presented against the petitioner herein, no useful purpose would be served by keeping him incarcerated. Without expressing any opinion on merits of the case, the petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.

(iii) He shall not leave the country without the previous permission of the Court.

Petition stands allowed.

06.08.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.