

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-37414 of 2018 (O&M)
Date of decision : March 14, 2019

Palwinder Singh @ Pinda

....Petitioner

versus

State of Punjab and others

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. AP Kaushal, Advocate, for the petitioner
Mr. Saurav Khurana, DAG, Punjab, for the State

Fateh Deep Singh, J. (Oral)

This regular bail application of accused-petitioner Palwinder Singh @ Pinda has come about in case bearing FIR No. 43 dated 25.4.2018 under Sections 366, 120-B IPC and Section 376 (added lateron) IPC, registered at Police Station Sarhali, District Tarn Taran.

The brief facts are as under:-

The present case was got registered by Kulwant Singh father of the girl then 21 years of age and used to work in a Beauty Saloon and during the course of the same entered into a relationship with the petitioner. It is alleged that on 9.3.2018, the accused enticed and took away the girl leading to the registration of the present case and arrest of the petitioner on

14.5.2018.

Mr. AP Kaushal, learned counsel for the petitioner inter-alia contends that both the petitioner as well as the alleged victim were major and had voluntarily entered into a matrimonial alliance and has sought to place reliance on marriage certificate Annexure P/2 and photographs Annexure P/3 numbering two and further on the representation of the girl to the police official Annexure P/4 against her parents, contending that since it is a valid marriage which has not been challenged till date and thus, the applicability of Sections 366 and 376 IPC are not made out.

Mr. Saurav Khurana, learned State counsel on instructions from ASI Gurmit Singh, PS Sarhali, District Tarn Taran though does not displaces the facts brought to the notice of the Court by the counsel for the petitioner but has opposed the grant of the relief on the ground of seriousness of the allegations.

Going through the statement it is admitted by the two sides that the boy and the girl at the time of alleged occurrence were major. The un rebutted documentary proof by way of marriage certificate Annexure P/2, photographs Annexure P/3 and representation of the girl made to higher police officials Annexure P/4 are illustrative of such a relationship. Without feeling the necessity to further advert on the merits else it may prejudice either party at the trial together with the fact that the petitioner is behind the bars for around nine and a half months and the fact that the trial is not likely to be concluded in near future, no purpose will be served by retaining the

petitioner in jail. It is a fit case for grant of bail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Tarn Taran.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

March 14, 2019

'tiwana'

**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No