

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

**CRM-M No.21321 of 2019**  
Date of decision: 15<sup>th</sup> May, 2019

Sachin Malhotra

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Ms. Satpreet Grewal Kapila, Advocate for the petitioner.  
Mr. A.S. Sandhu, Addl. Advocate General, Punjab  
for the respondent/State.

**FATEH DEEP SINGH, J. (ORAL)**

Allegations against the petitioner Sachin Malhotra in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.0176 dated 21.10.2018 under Sections 363, 366-A IPC and Sections 9, 10 of the Prohibition of Child Marriage Act, 2006 pertaining to Police Station Division No.5, Police Commissionerate Jalandhar, are as follows:-

Present case was got registered by father of a minor girl aged around 17 years, alleging that on 19.10.2018 the victim, daughter of the complainant, had gone to her maternal grandparent's house from where she went missing and by virtue of suspicion that house of the petitioner Sachin Malhotra, who happens to be one of the neighbours, was also

locked, present case was got registered leading to arrest of the petitioner on 04.03.2019.

Learned counsel for the petitioner Ms. Satpreet Grewal Kapila inter alia contends that the couple have entered into a wedlock and has placed reliance on the marriage photographs (Annexure P3) numbering six and the marriage certificate (Annexure P2). The couple had earlier secured orders from Punjab State Human Rights Commission on 03.12.2018 (Annexure P5). It is further contended that vide orders dated 02.04.2019 (Annexure P6), the Court of learned Judicial Magistrate 1st Class had handed over the custody of the girl to the mother of the petitioner and therefore, on the grounds that trial is not likely to be concluded in the near future, sought grant of bail.

On behalf of the State, Mr. A.S. Sandhu, Addl. Advocate General, Punjab on instructions from ASI Jagtar Singh, Police Station Division No.5, Jalandhar with all fairness has conceded to the facts brought to the notice of this Court by learned counsel for the petitioner, but has opposed the relief on the grounds of the girl being a minor and in view of the seriousness of allegations.

Appreciating the arguments of the two sides, the petitioner is behind bars. The trial is not likely to conclude in the near future. A debatable issue having been cropped up on account of the claim of the matrimonial alliance between the daughter of the complainant and the petitioner, and the fact that the custody of the victim has been handed

over to her mother-in-law thus, the offence, if any, would be adjudicated at the trial. In view thereof, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jalandhar. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

**(FATEH DEEP SINGH)**  
**JUDGE**

**May 15, 2019**

*rps*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No