

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

CRM-M- 24048 of 2019.
Decided on:- November 16, 2019.

Raj SinghPetitioner.

Versus

State of PunjabRespondent.

2- CRM-M- 40915 of 2019.
Decided on:- November 16, 2019.

Kulwinder Kaur @ Dhattu KaurPetitioner.

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Vaibhav Goyal, Advocate for
Mr. V.P. Sangwan, Advocate
for the petitioner in CRM -M-24048-2019.

Mr. G.S. Sandhu, Advocate
for the petitioner in CRM-M-40915 of 2019

Mr. Saurav Khurana, DAG, Punjab

HARI PAL VERMA, J. (Oral)

This order shall dispose of CRM-M-24048-2019, titled as Raj Singh vs. State of Punjab and CRM-M- 40915-2019, titled as Kulwinder Kaur @ Dhattu Kaur vs. State of Punjab.

Prayer in these petitions filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail in FIR No.8 dated 17.02.2017 under Sections 363, 366(A) and 120-B of the Indian Penal Code registered at Police Station Sadar Rampura, District Bathinda.

The aforesaid FIR was registered on the behest of Karamjit Singh, complainant. As per FIR, after having meal, the complainant has

CRM-Ms- 24048 & 40915 of 2019.

slept alongwith his wife and children. When he woke up at about 3.15 AM, he found that his daughter Babloo Kaur, whose date of birth is 13.06.1999, was not on her bed, for which search was made. Enquiries were made from the relatives but her whereabouts were not known. They apprehended that Raj Singh son of Sandhura Singh, caste Majbi Sikh resident of Peer Kot enticed away his daughter by alluring her to marry in connivance with Ranjit Singh @ Ghotla and his wife Dhattu Kaur and Hardeep Singh son of Darshan Singh, resident of Peerkot, who are neighbours.

Learned counsel for the petitioner(Raj Singh) states that the petitioner (Raj Singh) has solemnized marriage with Babloo Kaur on 17.02.2017 and out of this wedlock one female child was born. The petitioner (Raj Singh) is in custody since 05.04.2019 and because of the same, not only the wife rather a daughter will also suffer adversely.

Learned counsel for the petitioner (Kulwinder Kaur @ Dhattu Kaur) states that the petitioner had been named for the reason that she is neighbour of the complainant and is in custody since 31.03.2019.

Learned State counsel does not dispute the custody period of both the petitioners. However, he submits that the victim in this case is minor as the date of birth is 13.06.1999 and the FIR was registered on 17.02.2017. In this manner, the prosecutrix was less than 18 years of age though about seventeen years and one and half months.

Having heard learned counsel for the parties and considering the fact that the petitioner (Raj Singh) solemnized marriage with Babloo Kaur and out of this wedlock, one female child was born as well as noticing the fact that the petitioner (Raj Singh) is in custody since 05.04.2019 and

Kulwinder Kaur @ Dhattu Kaur is in custody since 31.03.2019 and conclusion of trial is likely to take long time, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

However, it is made clear that in case the petitioners influence the prosecution witnesses in any manner directly or indirectly, the prosecution shall be at liberty to seek cancellation of his bail.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

November 16, 2019
dinesh

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No