

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

CRM-M-27080-2019 (O&M)  
Date of decision: 12.12.2019

MOHAMMAD SARFRAJ @ SONU

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

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**CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL**

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Present: Mr. Vaibhav Sehgal, Advocate  
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab  
assisted by ASI Tarsem Singh.

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**GURVINDER SINGH GILL, J. (ORAL)**

1. The petitioner seeks grant of regular bail in case registered vide FIR No.148 dated 17.5.2019 under Section 376 IPC read with Section 6 POCSO Act, Police Station Division No.5, District Ludhiana.
2. The FIR was lodged at the instance of victim wherein it has been alleged that the petitioner who resides in her neighbourhood approached her asking her to be friends with him and they started talking to each other and became friends. It is further alleged that on one occasion he took her to a hotel where he forcibly removed her clothes and established forcible sexual relations with her.

3. Learned counsel for the petitioner has submitted that FIR came to be lodged under some misunderstanding, which has now been resolved and in fact the prosecutrix and the petitioner have solemnized marriage. Learned counsel has further submitted that when the statement of prosecutrix was recorded under Section 164 Cr.P.C., she did not state a word against the petitioner. The petitioner had been granted interim bail and is present in the Court alongwith prosecutrix. Upon being quizzed by this Court, the prosecutrix present in the Court, who has been identified by ASI Taresm Singh has categorically stated that she has solemnized marriage with the petitioner and she has no objection if the petitioner is granted bail.
4. Learned State counsel has, however, opposed the petition on the ground that since there are categoric allegations against the petitioner, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court. Bearing in mind that the petitioner and the prosecutrix have solemnized marriage and the prosecutrix does not have any objection, in case the petitioner is granted bail, the petition, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

( GURVINDER SINGH GILL )  
JUDGE

12.12.2019  
Gaurav Sorot

Whether reasoned / speaking?      Yes / No

Whether reportable?      Yes / No