

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-28981-2019

Date of Decision:16.07.2019

Mohd. Farooq

.....Petitioner

Versus

State of Punjab

.....Respondent

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

**Present: Mr. Amjad Khan, Advocate,
for the petitioner.**

Mr. Sukhbeer Singh, AAG, Punjab.

**Mr. D.S. Sidhu, Advocate,
for the complainant.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.93 dated 20.10.2018 under Sections 376(2)(n)/506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station City-1, Malerkotla, District Sangrur.

Power of attorney filed on behalf of the complainant today in the Court, is taken on record.

Learned counsel for the petitioner states that the petitioner is in custody since 11.05.2019 and the matter has been compromised between the parties. He has argued that the prosecutrix has solemnized marriage with the petitioner on 06.11.2018, but it is because of some misunderstanding

between the parties, the present FIR was registered at the behest of the complainant.

Learned counsel appearing on behalf of the complainant fairly submits that the prosecutrix has solemnized marriage with the petitioner and he has no objection if the petitioner is admitted on bail.

Learned State Counsel, on instructions from SI Gurtar Singh, has shown his ignorance about the marriage. However, he submits that the case is now fixed for 24.07.2019 before the trial Court for statement of the prosecutrix.

Heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 11.05.2019. Considering the fact that the matter has been resolved between the parties and the petitioner has solemnized marriage with the prosecutrix, culpability of the petitioner is yet to be established during the course of trial, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

July 16, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No