

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-29039 of 2019
Date of Decision: 16.7.2019

Lajpat Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. P.K.S.Phoolka, Advocate
for the petitioner (s).

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Deepak Aggarwal, Advocate,
for the complainant.

RAJ SHEKHAR ATTRI, J.

The present petition has been filed under Section 439 Code of Criminal Procedure (in short, "Cr.P.C".) for grant of regular bail to the petitioner in case FIR No.70 dated 12.4.2019 registered for the offences punishable under Sections 363, 366-A, 376 of Indian Penal Code (for short, "IPC") and Sections 8/11 of Protection of Children from Sexual Offences Act at Police Station Sangat Bathinda, District Bathinda.

Heard.

Learned counsel for petitioner submits that the petitioner has married with Manpreet Kaur with her free will. Both the parties have moved a petition before Human Rights Commission which was disposed of vide order dated 18.4.2019 (Annexure P-2). Even she suffered a statement before

stated that she had married with the petitioner with her free will and is now residing with him as his wife.

Learned counsel for the complainant has placed on record order dated 19.6.2019 whereby the application of the co-accused has been dismissed. He also placed on record photocopy of the birth certificate issued by Additional District Registrar, Birth & Death, O/o Civil Surgeon, Bathinda wherein her date of birth is mentioned as 30.8.2004.

Learned counsel for the complainant further submits that the prosecutrix as well as the petitioner as shown wrong date of birth at the time of solemnization of their marriage and he placed on record photocopy of the marriage certificate issued by the Priest of the Temple on 11.4.2019 signed by both the parties wherein her date of birth is mentioned as 30.8.2000.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Lajpat Singh son of Balwinder Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

(c) He shall not leave the country without the prior permission of the Court.

July 16, 2019
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No