

220.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44018-2019

Date of decision: 20.11.2019

MANOJ KUMAR

... Petitioner

versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Zorawar Singh Chauhan, Advocate, for the petitioner.

Mr. Saurav Khurana, DAG, Punjab, for respondent No.1.

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 case FIR No.328 dated 22.12.2014 registered under Sections 363, 366A of IPC and Sections 4, 6, 8, 10, 12 of POCSO Act, 2012 at Police Station Phillaur, District Jalandhar Rural.

Counsel for the petitioner states that the petitioner and respondent No.3 have solemnized marriage and on that very basis, they approached this Court by way of **CRM-M-44533-2014** titled as ***Manoj Kumar and another Versus State of Punjab and others***, so as to seek protection to their life and liberty as they were apprehending harassment at the instance of the parents of respondent No.3. In the FIR, the matter has been investigated by the police and even cancellation report was prepared and was presented before the Court. However, the same was not accepted and the matter was sent back for re-investigation. Out of the wedlock, they have one daughter, aged about 3 years and even as on date, respondent No.3 is at advance stage of pregnancy.

At this stage, Mr. Jitender K. Sehrawat, Advocate, has put in appearance on behalf of respondents No.2 & 3 and filed his power of attorney, which is taken on record. He does not dispute the fact that respondent No.3 was married with the petitioner and out of their wedlock, that they have one daughter and she is at advance stage of pregnancy.

Learned State counsel, on instructions from HC Jai Gopal, submits that police has investigated the matter and presented cancellation report. However, the same was not accepted by the trial Court and sent for re-investigation.

I have heard learned counsel for the parties.

Petitioner is in custody since 14.09.2019 and considering the fact that the petitioner and respondent No.3 were married on 25.12.2014 and out of their wedlock, a daughter, aged about 3 years, coupled with the fact that she (respondent No.3) is again pregnant from the petitioner, 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 his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

20.11.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No