

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

232

CRM-M-49660-2019

Date of Decision:27.11.2019

Gagandeep Singh @ Gagan @ Boora

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Rahul Bhargava, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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 during pending trial in FIR No.21 dated 24.02.2017 under Sections 363, 366-A, 376 IPC and Sections 3 & 4 of the POCSO Act, 2012, registered at Police Station Fatehgarh Churian, District Gurdaspur.

Learned counsel for the petitioner has argued that the petitioner is husband of the victim in the case i.e. Kanwaljeet Kaur and they have solemnized marriage on 28.02.2017. Out of this wedlock, they have a child born on 30.03.2018. Petitioner is in custody since 09.09.2019 and no useful purpose would be served to keep him in custody as the family would suffer adversely. He submits that the victim was born on 02.03.2000.

Learned State Counsel, on instructions from ASI Varinder

Singh, does not dispute the custody. However, he states that as on the

relevant date, the victim was minor her date of birth being 15.07.2002. He further states that at the relevant time when the FIR was registered, she was about 15 years of age.

Heard learned counsel for the parties.

Petitioner is in custody since 09.09.2019. The age of the victim is an issue to be adjudicated during the course of trial. Considering the fact that the prosecutrix has solemnized marriage with the petitioner and they have a son from this marriage born on 30.03.2018, coupled with the fact that trial in the case is not likely to be concluded in the near future, 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 adequate bail bonds/surety bonds to the satisfaction of trial Court.

November 27, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No