

227.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8511-2020

Date of decision: 04.03.2020

LALJIT @ LALU YADAV

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Shivender Pal Singh, Advocate, for
Mr. Brijeshwar Singh Bhalla, Advocate,
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.158 dated 02.07.2019 registered under Sections 363, 366-A, 376, 506, 120-B of IPC (Sections 3 and 4 of POCSO Act, 2012 added lateron) at Police Station City Moga, District Moga.

Learned counsel for the petitioner, while making reference to the photographs (Annexure P-3) and the order dated 26.08.2019 passed in ***CWP No.22524-2019*** titled as ***Sharanjeet Kaur and another Versus State of Punjab and others***, submits that the petitioner and the prosecutrix have solemnized marriage and for this reason, they approached this Court so as to seek protection and this Court disposed of said petition vide order dated 26.08.2019 (Annexure P-5). He further submits that as per the aadhar card, date of birth of the prosecutrix is 07.05.2001 and on the date when the

present FIR was registered, she has already attained the age of majority so as to solemnize marriage. Petitioner is in custody since 25.11.2019.

Learned State counsel, on instructions from HC Surjit Singh, has argued that in fact the date of birth of the prosecutrix is 05.07.2001 and not 07.05.2001 as per the certificate issued by the Principal, Senior Secondary School Moga and in this manner, on the date when the FIR was registered, she was 2 days short to 18 years and therefore, minor.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 25.11.2019 and the prosecution evidence has not yet started, coupled with the fact that at the most, she was only 2 days short to attain the age of majority, 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.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

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

04.03.2020
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No