

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-8829 of 2020
Date of Decision: 21.05.2020

Mustaq

.....Petitioner

Versus

The State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. R.S. Manhas, Advocate,
for the petitioner.

Mr. Suveer Sheokand, Addl. A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks the concession of 'regular bail', upon FIR no.102, dated 15.12.2019, having been registered against him and his co-accused, alleging therein the commission of offences punishable under Sections 376-D and 506 of the IPC as also under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

Learned counsel for the petitioner submits that in fact the petitioner and the person shown to be the victim have got married to each other in jail, after seeking permission, the marriage having been performed by way of a *Nikah* ceremony conducted in jail.

Learned State counsel though opposes the bail application on the

ground that the marriage has taken place after the occurrence and in fact the petitions seeking anticipatory bail to the co-accused of the petitioner have been denied, however, he does not deny (on instructions from the Investigating Officer), the factum of the marriage having taken place.

Keeping the fact that the marriage has been performed, without making any further comment on the actual merits of the case, the petition is allowed, with the petitioner ordered to be admitted to bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

Naturally, the petitioner will present himself before the trial court as and when summoned.

It is also made clear that in case the petitioner, during the pendency of the trial, attempts to divorce, or divorces, the girl whom he has married, that would be ground enough for cancellation of the bail.

Even thereafter, if he seeks to annul the marriage in any manner, it would naturally be a ground for seeking appropriate criminal proceedings, with of course the merits of any such proceedings to be seen at that stage (if that comes about).

May 21, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.