

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

CRM-M-9039 of 2020.

Decided on:- March 06, 2020.

Sunny.

.....Petitioner.

Versus

The State of Punjab.

.....Respondent.

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

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Present:- Mr. Sushil Saini, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

**HARI PAL VERMA, J. (Oral)**

The petitioner has filed present petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.18 dated 06.02.2018 under Sections 363, 366-A and 376 IPC as well as Section 4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Kanwan, District Pathankot.

Learned counsel for the petitioner has argued that the petitioner and the prosecutrix have solemnised marriage and in order to seek protection of their life and liberty, they had approached before learned Sessions Judge, Amritsar by way of **CRM No.73 of 2018** titled as ***Shanti Devi and another Versus Mangal Dass and others*** and vide order dated 30.03.2018, learned Sessions Judge, Amritsar had allowed that petition and directed the police authority to protect the life and liberty of the petitioner as well as the prosecutrix.

He has further argued that the petitioner and the prosecutrix are also blessed with a son and it is thereafter, the prosecutrix was taken by her

parents and the present FIR was got registered against the petitioner. No witness has been examined in the case and in this manner, the conclusion of trial is likely to take long time. The petitioner is in custody since 02.10.2018.

Learned State counsel does not dispute the custody of the petitioner. However, he has submitted that the victim in the case is a minor less than 18 years of age and even if, she has consented for marriage, the petitioner is not entitled to the benefit of regular bail.

I have heard learned counsel for the parties.

The petitioner is in custody since 02.10.2018. As per the complainant, the prosecutrix is about 17 years of age. Since a child is born out to the couple, at this stage, this Court finds that when the culpability of the petitioner is yet to be established during the trial and the trial is not likely to be concluded in near future and in this manner, no useful purpose would be served by detaining the petitioner in further custody.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

**March 06, 2020**  
Yag Dutt

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned:  
Whether Reportable:

Yes  
No