

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

CRM-M-10652 of 2020.

Decided on:- July 31, 2020.

Satvir Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Amritpal Singh Gill, Advocate
for the petitioner.

Mr. Venu Gopal Jauhar, Sr. DAG, Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.14 dated 04.03.2019 under Sections 363 and 366-A IPC and Sections 3, 4, 5 and 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Bariwala, District Sri Muktsar Sahib.

Learned counsel for the petitioner has submitted that the petitioner and daughter of the complainant have solemnised marriage and they approached this Court seeking protection of their life and liberty by way of ***CWP No.16692 of 2019*** titled as ***Manpreet Kaur and another Versus State of Punjab and others***. This Court vide order dated 12.06.2019 had issued directions to the State of Punjab to examine and consider the case of

the petitioner and Manpreet Kaur. It was further ordered that if it is found that there is real and genuine threat to their life, limb and liberty at the hands of respondents No.4 to 7 in that petition, then the petitioner and Manpreet Kaur will be provided protection forthwith. It was also ordered that if the situation so demands, the petitioner and Manpreet Kaur be also provided facility of Protection Home as per their requirement.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 01.11.2019. The prosecutrix has been examined in the case and she has not supported the case of the prosecution, rather, has submitted that she had love affair with the petitioner for the last 2-3 years prior to 28.02.2019 i.e. the date of their marriage. A child was also born to her on 29.11.2019 from the wedlock with the petitioner.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He has submitted that though there is no other case against the petitioner, but on the relevant date i.e. 28.02.2019 when he solemnised marriage with Manpreet Kaur, she was minor, as her date of birth is 15.05.2003.

I have heard learned counsel for the parties.

The petitioner is in custody since 01.11.2019. The prayer is limited for bail. The petitioner and prosecutrix have solemnised marriage on 28.02.2019 and they are also blessed with a child born on 29.11.2019. Therefore, this Court deems it fit to grant the concession of bail to the petitioner.

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/Duty Magistrate.

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.

July 31, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No