

(Through Video Conferencing)

CRM-M No.13051 of 2020 (O&M)

Date of Decision: 27.08.2020

Lovedeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Maninder Singh Saini, Advocate,
for the petitioner.Mr. Gurpreet Singh Basin, Advocate and
Mr. C.L. Verma, Advocate,
for the complainant.

Mr. Rana Harjasdeep, Deputy Advocate General, Punjab.

NIRMALJIT KAUR, J. (ORAL)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.39 dated 23.02.2020 under Section 306 of IPC, registered at Police Station, City Nawan Shahar, District S.B.S., Punjab.

On 12.06.2020, the following order was passed:

“The petitioner herein is stated to be 18 years old and has just about finished his High School Education. He is on the cross-roads of his career making years and is slated to join college for further education.

Learned counsel for the petitioner submits that while he understands the anguish and distress of the complainant of having lost his young daughter, who committed suicide, but his complaint seems to be misdirected against the

petitioner. The petitioner also equally loved the deceased, if not more, and throughout assured her that on attaining majority/marriageable age, he would marry her. Learned counsel further submits that, on the other hand, the deceased insisted that regardless of the petitioner turning 21 years, he should marry her as she was under tremendous pressure from her family front to get married.

Learned counsel for the petitioner also asserts that there is no denial to the fact that petitioner and the deceased were indeed in love with each other, but due to their age difference, girl being 20 years and boy 18 years, there was constant emotional stress which was compounded by pressure from family members of girl. He submits that being of unmarriageable age, even if for the sake of arguments, it is assumed at this stage, that the petitioner/boy declined to marry the girl, he would be well within his legal rights to do so. He relies on Section 5 of the Hindu Marriage Act, which prescribes the minimum legal marriageable age for groom and bride to be 21 years and 18 years, respectively.

Adjourned to 27.08.2020 to enable the learned counsel for the petitioner to support his arguments with relevant case law, if any, as he states that he could not do any research on this aspect.

Keeping in view the sensitivity of matter and given the adolescent age of the petitioner, at this stage, he is granted the concession of interim anticipatory bail.

The petitioner is directed to join the investigation and make himself available as and

when called for. In the event of arrest, he shall be released on interim anticipatory bail till further orders by this court, on furnishing bail bond to the satisfaction of the Investigating Officer/Arresting Officer, subject to the conditions envisaged under Section 438 (2) Cr.P.C.”

In view of the above as well as the petitioner having joined the investigation, the present petition is allowed and order dated 12.06.2020 is made absolute.

(NIRMALJIT KAUR)
JUDGE

27.08.2020
sandeep

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No