

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

CRM-M-15029-2020

Date of Decision :29.06.2020

Manga Singh

...Petitioner

versus

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Preetinder S. Ahluwalia, Advocate for the petitioner.
Mr. Randhir Singh Thind, DAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

2. Prayer in the petition under Section 439 of Cr.P.C. is for grant of regular bail to the petitioner during the pendency of the trial in case FIR No.4 dated 29.01.2020, registered at Police Station Bhindi Saidan, District Amritsar Rural, for offence punishable under Sections 376, 363, 366-A IPC, Section 4 of the Protection of Children from Sexual Offences Act to which Sections 376-DA of IPC and Section 6 of the Protection of Children from Sexual Offences Act was added later on.

3. Learned counsel contends that the main accused, Rajbir Singh, who is alleged to have sexually assaulted the prosecutrix has married the prosecutrix on 03.03.2020 i.e. after the registration of the FIR and they are residing together. Learned counsel further contends that the main accused i.e. Rajbir Singh and the prosecutrix approached this Court

vide order dated 13.03.2020 directed the Senior Superintendent of Police, Amritsar (Rural) to look into the grievance of the petitioner and to take appropriate action, if any, warranted in the facts and circumstances of the case. Learned counsel further contends that the main accused i.e. Rajbir Singh, had also approached this Court by way of CRM-M No.14705 of 2020, in which, this Court while noticing that the petitioner and the prosecutrix had performed the marriage and were residing together out of their own free will, issued notice of motion for 19.08.2020 and directed that in the meantime, the petitioner therein join investigation and cooperate with the Investigating Officer on 22.06.2020 at 10:00 AM and in the event of arrest he be released on interim bail to the satisfaction of the Investigating Officer/SHO subject to the conditions enshrined U/s 438 (2) Cr.P.C. Learned counsel contends that the main accused joined the investigation and fully cooperated with the police on 22.06.2020, pursuant to the orders of this Court in CRM-M-14705 of 2020 and on arrest he was released on interim bail. Learned counsel contends that once the marriage between the main accused and the prosecutrix has been solemnized and the only allegation against the petitioner is of having facilitated the abduction of the prosecutrix, besides the main accused has been released on pre-arrest interim bail, no useful purpose would be served by keeping the petitioner in custody especially when the investigation stands concluded and challan presented.

4. Learned DAG, Punjab, fairly concedes that the main accused i.e. Rajbir Singh had married the prosecutrix besides he had

ad-interim bail by this Court vide order dated 10.06.2020 passed in CRM-M-14705-2020.

5. In view of the main accused having been granted the concession of ad-interim bail by a Coordinate Bench of this Court besides having performed marriage with the prosecutrix as also on account of the covid-19 pandemic conditions prevailing in the country, no useful purpose would be served by keeping the petitioner in custody. Accordingly, the petition for bail is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety to the satisfaction of the learned CJM/Trial Court/Duty Magistrate, concerned.

6. However, nothing stated hereinabove would be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

29.06.2020

'Rajneesh/rajesh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No