

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

**CRM-M-16744-2020 (O&M)
Date of decision: 14.07.2020**

Jaswant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Gurmeet Singh, Advocate,
for the petitioner.

Mr. S.P.S. Tinna, Addl. A.G., Punjab.

Ritu Bahri, J.

This petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.183 dated 16.12.2019, under Sections 363/366 IPC and Section 4 off Protection of Children from Sexual Offences Act, 2012, registered at Police Station, Nahianwala, District Bathinda.

Learned counsel for the petitioner contends that daughter of the complainant has turned major on 07.06.2020 and she had accompanied the petitioner herself. After registration of the FIR, in her statement under Section 164 Cr.P.C. (Annexure P-2), the prosecutrix has stated that she knew Jaswant Singh for the last 08 months and they were having an affair. They wanted to get married. Learned counsel further informs that daughter of the complainant is in Nari Niketan, Jalandhar.

A perusal of the statement of prosecutrix shows that she has

categorically stated that she wanted to marry the petitioner and her parents wanted to perform her marriage with somebody else.

Learned State counsel, on instructions, informs that after framing of charges, trial is fixed for 31.07.2020 for recording of prosecution evidence.

Statements of the complainant and her daughter can now be recorded to ascertain, as to whether the prosecutrix wants to stay with her parents or not, as she cannot be kept in the Nari Niketan, Jalandhar during the pendency of the trial. In case, prosecutrix gives a statement that she wants to marry the petitioner even now and she is major, then the trial Court can make an attempt to call the petitioner along with his parents and thereafter, record their statements as to if they are ready to marry their son with the complainant's daughter. If both petitioner and the prosecutrix are ready to get married, there is no need to keep the prosecutrix in the Nari Niketan, Jalandhar.

As per custody certificate, petitioner is in custody for the last 06 months and 25 days.

Keeping in view the period of incarceration of the petitioner and the fact that the trial will take some time for its conclusion, this Court feels that no purpose will be served by detaining the petitioner any longer. Accordingly, this petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Bathinda.

14.07.2020
ajp

(RITU BAHRI)
JUDGE

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