

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

CRM-M-17914-2020 (O&M)
Date of decision : 09.09.2020

Sandeep Kumar @ Baba

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ravi Chadda, Advocate
for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.10, dated 12.01.2019, registered under Sections 363, 366-A of Indian Penal Code and Section 4 of The Protection of Children from Sexual Offences Act, 2012 (Section 376 IPC added later on) at Police Station Tibba, Ludhiana.

Learned counsel for the petitioner states that the petitioner solemnized marriage with Bhavna, daughter of complainant. Thereafter, petition bearing CRM-M-14466-2019 under Section 482 of the Cr.P.C was filed for issuance of direction to the state to safeguard the life and liberty of the petitioner and the prosecutrix. The prosecutrix at the time of marriage had stated her age 17 years 07 months. The petitioner is in custody since

02.04.2019. The daughter of complainant also made a statement under Section 164 Cr.P.C. on 09.04.2019 that she was having love affair with the petitioner and voluntarily accompanied him. The petitioner and his wife are still ready and willing to join the company of each other.

On the other hand, learned State counsel opposes the instant petition. On instructions from ASI Sukhdev Singh, learned State counsel informs that out of twelve witnesses not even a single witness has been examined so far.

Heard.

The Court feels that in view of the petition filed in CRM-M-14466-2019 and the factum of marriage; coupled with the statement made by daughter of complainant under Section 164 Cr.P.C., the case for bail is made out in favour of the petitioner, therefore, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds with two local sureties to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

09.09.2020
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No