

228

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

**CRM-M No.38143 of 2020(O&M)
Date of Decision: 01.12.2020**

**Aman Pawa @ Aman
Vs**

.....Petitioner

UT of Chandigarh and another

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Ashu Mohan Punchhi, P.P., UT, Chandigarh and
Mr. Anupam Bansal (Associate).

Mr. Amit Khari, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.52 dated 15.02.2020 registered under Sections 363 (Section 376 (2) N, 366 IPC and Section 6 of the Protection of Children from Sexual Offence Act, 2012 added later on at Police Station Sector 39, Chandigarh.

The FIR was registered at the instance of mother of the

victim who alleged that her daughter was missing since 11.02.2020. Earlier also many a times, the daughter of the complainant had run away from her house and she was recovered from the house of the petitioner.

Learned counsel for the petitioner submits that the petitioner and prosecutrix/victim have solemnized marriage. When they were at the verge of filing protection petition, the petitioner was arrested. Date of birth of the victim is 12.03.2001.

Respondent No.2 has also appeared through Mr. Amit Khari, Advocate and has reiterated the factum of marriage between her and the petitioner. After the marriage, she became pregnant and her pregnancy got terminated. Now she wants to live with the petitioner.

Learned P.P. UT, Chandigarh, however opposed the prayer on the ground that date of birth of respondent No.2/victim is 12.03.2003. Petitioner has forged entry in the Aadhaar card by showing the date of birth as 12.03.2001, whereas there is no such entry available in vernacular Annexure P-2.

Learned counsel for the petitioner by referring to pan card issued by the Income Tax Department asserts that the date of birth is 12.03.2001.

Be that as it may, the victim has appeared through her counsel and has endorsed the factum of marriage.

At this stage, without adverting to the merits of the case, validity of marriage and in view of situation arising out of pandemic Covid-19, it will be just and expedient to grant benefit of regular bail to the petitioner.

Let the petitioner be enlarged on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Nothing expressed hereinabove, shall be construed to be an expression of any opinion on merits of the case.

01.12.2020

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No