

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-47485 of 2019

Date of Decision: 09.01.2020

Sukhjinder Singh @ Sukhpreet Singh

...Petitioner (s)

Versus

State of Punjab & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Subhash Kumar, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Siddharth Gupta, Advocate
for respondent no.2.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.62 dated 28.06.2019 under Sections 376, 420, 506 IPC and Sections 3 and 4 POCSO Act registered at Police Station Lambran, District Jalandhar Rural.

The aforesaid FIR was registered on the basis of statement of the prosecutrix. As per the FIR, the petitioner used to take tuitions near the house of the prosecutrix, where the prosecutrix came in contact with him.

The prosecutrix is about 17 years of age. The petitioner used to talk to the

prosecutrix and after some time, he gifted her a mobile phone, on which he used to talk to her. The allegation against the petitioner is that after coming in contact with the prosecutrix during tuition classes, he made physical relations with her with the assurance that he will solemnize marriage with her. Such assurance was also given by the family members of the petitioner.

Counsel for the petitioner has argued that the matter has been compromised between the parties before the Panchayat, where it has been decided that the petitioner will solemnise marriage with the prosecutrix on her completion of 18 years of age. Still, in order to create a sense of security in the mind of prosecutrix, father of the petitioner has also signed an agreement-cum-deed of sale dated 21.08.2019 (Annexure P-3) so as to transfer his 4 marla house in the name of the prosecutrix. The petitioner undertakes to solemnize marriage with the prosecutrix on her completion of 18 years of age.

Mr. Siddharth Gupta, Legal Aid Counsel, appearing for respondent no.2, on instructions from the complainant as well as her mother, who are present in Court, does not dispute the factum of compromise between the parties as well as agreement-cum-deed of sale dated 21.08.2019 (Annexure P-3) in favour of the prosecutrix. He further submits that since the parties have decided to solemnize their marriage, he has no objection in case the petitioner is admitted on bail. But the petitioner should stick to his undertaking to go for marriage with the prosecutrix.

Learned State counsel, on instructions from ASI Baldev Singh, submits that though the prosecutrix was medically examined in the case, however, chemical examination report is still awaited.

Having heard learned counsel for the parties and considering the fact that the parties have compromised the matter and the petitioner has undertaken to solemnise his marriage with the prosecutrix on her completion of 18 years of age, this Court deems it appropriate to release the petitioner on regular bail. The petitioner shall be bound by his undertaking to solemnize marriage with the prosecutrix.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that in case the petitioner defies his undertaking or terms of Panchayati compromise in any manner or refuses to solemnize marriage with the prosecutrix on her completing 18 years of age, the prosecutrix shall be at liberty to seek revival of this petition.

January 09, 2020
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(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No