

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

CRM-M-53340 of 2019 (O&M)  
Date of Decision: January 28, 2020

Akib Sattar

...Petitioner

Versus

State of Punjab and another

...Respondents

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Saqib Ali Khan, Advocate  
for the petitioner.

Ms. Mahima Yashpal, AAG Haryana.

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**JAISHREE THAKUR, J. (Oral)**

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.129 dated 19.11.2018, under Section 376 of Indian Penal Code and Section 6 of the POCSO Act registered at Police Station City-II Malerkotla, District Sangrur.

Learned counsel for the petitioner contends that after the registration of the FIR, the parties have solemnized a marriage by way of Nikahnama (Annexure P-2), while the petitioner herein was in custody. It is also submitted that pursuant to the marriage, a petition (CRM-M-45479 of 2019) for quashing of the aforesaid FIR has already been filed, in which statement of both the parties have been recorded wherein, the complainant has stated that she has no objection if the FIR in question is quashed

(Annexure P-4).

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, however, does not dispute the fact that both the petitioner and the complainant herein have solemnized the marriage.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the complainant and the petitioner herein have solemnized the marriage and pursuant to that, a petition for quashing of the FIR in question has already been filed, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

**January 28, 2020**

*vijay saini*

**(JAISHREE THAKUR)  
JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No