

In virtual Court

CRM-M-3288-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3288-2021 (O&M)

Date of decision: 15.03.2021

Sukhmail Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.053 dated 20.03.2019 under Sections 363, 366-A, 376 IPC and Sections 4 & 5 of POCSO Act, registered at Police Station City Patti, District Tarn Taran.

On 28.01.2021, following order was passed by this Court: -

“...Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant, it is stated that his daughter (name withheld) was enticed away by the petitioner on the pretext of marriage.

Learned counsel further submits that the FIR was registered after 14 days of the incident and the victim was initially recovered

from the possession of the petitioner, however, she has not named the petitioner while her MLR was conducted.

Learned counsel further submits that the victim is above the age of 18 years and in the absence of any age proof, no ossification test was conducted.

It is further submitted that petitioner is in judicial custody since 20.03.2019 and he is still ready to perform marriage with the victim as she has attained the age of 18 years.

Learned counsel further submits that petitioner may be granted concession of interim bail in order to enable him to perform marriage with the victim. It is further submitted that the victim and the brother of the petitioner are present in his office and the victim is ready to make a statement before this Court through video conferencing that she is ready to perform marriage with the petitioner.

Learned State counsel, however, submits that to prevent any ploy on the part of the petitioner to get bail, the interest of the victim may be safeguarded by directing him to deposit some amount in the name of victim.

In reply, learned counsel for the petitioner submits that petitioner is in judicial custody for the last about one year and nine months and such condition may be imposed after the petitioner has performed marriage with the victim.

List again on 15.03.2021.

In the meantime, the petitioner is ordered to be released on interim bail till the next date of hearing, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

The petitioner shall perform marriage with the victim, as volunteered by him, on or before 15.02.2021.

It is made clear that in case the petitioner fails to perform marriage with the victim within the time stipulated, the interim bail shall be cancelled on the next date of hearing.”

Learned counsel for the petitioner submits that in compliance of the aforesaid order, the petitioner has performed marriage with the victim and thereafter, both of them have also filed CRWP-1500-2021, which was disposed of vide order dated 12.02.2021 with a direction to Senior Superintendent of Police, Tarn Taran to look into the threat perception, however, it was clarified that there will be no bar on the police to take action in pursuance of the present FIR.

Learned State counsel has filed the custody certificate dated 13.03.2021 in the Court today, a perusal of which shows that the petitioner was released on interim bail after about 01 year and 10 months.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the victim along with the petitioner has filed CRWP-1500-2021, wherein, while passing the

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order dated 12.02.2021, it has been noticed that the petitioner and the victim have performed marriage on 06.02.2021, this petition is allowed and the order dated 28.01.2021, granting interim bail to the petitioner, is hereby made absolute.

**[ARVIND SINGH SANGWAN]
JUDGE**

15.03.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No