

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(206)

CRM-M-5461-2021

Date of Decision: February 10, 2021

Gagandeep Singh @ Billa

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashish Pal Kaushal, Advocate, for the petitioner.

Mr. Prabhjot Singh Walia, Assistant Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.148 dated 28.10.2019 under Section 363, 366-A IPC (offence under Section 376 IPC and Sections 3 and 4 of the POCSO Act, 2012 added later on) registered at Police Station Sadar, Sri Mukatsar Sahib, District Sri Mukatsar Sahib.

Learned counsel for the petitioner submits that the petitioner and the prosecutrix are married to each other and both of them approached this Court seeking protection of their life and liberty by filing CWP No.32446 of 2019. Learned counsel for the petitioner further submits that once the petitioner and the prosecutrix are married to each other and it was only thereafter the marriage was consummated, the petitioner cannot be prosecuted under the sections alleged in the FIR. Learned counsel for the petitioner further submits that the challan has already been presented and

charges have already been framed and the petitioner is behind the bars since 15.11.2019.

Notice of motion.

Mr. Prabhjot Singh Walia, learned Assistant Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State and does not dispute the abovestated fact with regard to the marriage of the petitioner with the prosecutrix as well as the filing of the petition seeking the protection by the petitioner as well as the prosecutrix.

Custody certificate of the petitioner has been filed by the learned State counsel and the same is taken on record.

Learned counsel for the respondent-State also concedes that the investigation is over and the challan has been submitted and the charges have also been framed.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the investigation is over and the charges have been framed, no useful purpose will be served in keeping the petitioner behind the bars as the trial is likely to take some time before it concludes, especially, in view of the fact that the petitioner and the prosecutrix are married to each other and according to the petitioner their marriage still subsists.

Keeping in view the above facts, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

(HARSIMRAN SINGH SETHI)
JUDGE

February 10, 2021
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No