

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

211

(Through Video Conferencing)

CRM-M-12956-2021

Date of decision: 06.10.2021

Abhimanyu

.....Petitioner

Versus

State of U.T., Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.S. Mor, Advocate
for the petitioner.

Mr. Ashu Mohan Punchhi, Public Prosecutor
for the respondent-U.T., Chandigarh.

Mr. Jagjeet Beniwal, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.01 dated 06.01.2021 under Sections 376(2)(N) and 506 IPC and Section 6 of POCSO Act, 2012 registered at Police Station Manimajra, District Chandigarh.

Learned counsel for the petitioner submits that a perusal of the FIR in question clearly reveals that both the petitioner as well as the victim were in a consensual relationship, which had been kept by the latter, from her family. It has been submitted that after the mother of the victim learnt about her pregnancy, the FIR in question was got registered at the behest of her family. The prosecutrix thereafter delivered a baby boy from loins of the petitioner on 17.01.2021 and ever since then had been living with the family of the petitioner in their house. Learned

counsel has further submitted that the victim has since attained the age of majority. Still further it has been submitted that vide Annexures P-2, P-3 and P-4, the parents of the victim too have accepted the relationship between the petitioner and their daughter and arrived at an amicable settlement. Learned counsel has also apprised the Court that a petition (CRM-M-20406-2021) under Section 482 of the Cr.P.C. seeking quashing of the FIR in question on the basis of compromise has also been preferred before this Court wherein notice of motion has been issued. Learned counsel submits that once the petitioner is extended the concession of bail he would solemnize marriage with the prosecutrix.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions has submitted that only challan stands presented and charges are yet to be framed in the case in hand. He submits that in the wake of serious allegations against the petitioner and the factum of the prosecutrix having delivered a child after she was raped by the petitioner, he may not be extended the concession of bail.

Learned counsel appearing on behalf of the complainant has, however, supported the submissions made by learned counsel for the petitioner by urging that the matter stands amicably settled between the parties and the petitioner would be solemnizing his marriage with the prosecutrix as soon as he is out on bail.

I have heard learned counsel for the parties and perused the material on record.

In the facts and circumstances as enumerated hereinabove, the present petition is allowed. The petitioner be admitted to bail to the

satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

06.10.2021

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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