

In virtual Court

CRM-M-16752-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-16752-2021 (O&M)  
Date of decision: 28.04.2021

Harpreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. L.S. Sekhon, Advocate  
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

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**ARVIND SINGH SANGWAN, J. (ORAL)**

Prayer in this petition is for grant of regular bail in FIR No.93 dated 18.09.2020 under Sections 376(2)(N), 363, 366-A IPC and Section 6 of POCSO Act, registered at Police Station Rureke Kalan, District Barnala.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of mother of the prosecutrix namely Shinderpal Kaur @ Shinder, the prosecutrix, who is aged about 17 and half years, is enticed away by the petitioner. While leaving the house, her daughter has taken Rs.35,000/- with her. It is further stated in the FIR that her daughter has eloped with the petitioner with intention to perform the marriage. Thereafter, the petitioner and the victim-wife of the petitioner had filed CRWP-7461-2020, in which on 21.09.2020, while issuing notice, the victim was sent to

Nari Niketan, Sector-26, Chandigarh and thereafter, as the victim was in Nari Niketan, said petition was dismissed on 03.11.2020 for non-prosecution.

Learned counsel for the petitioner has further submitted that statement of the victim has already been recorded before the trial Court, wherein she has appeared as PW1 and has stated that she along with the petitioner had gone to Chandigarh, where they met an Advocate, who asked to sign some papers. The petitioner kept her in a hotel for six days and made physical relations against her wishes. In the cross-examination, PW1 has admitted that she performed Anand Karaj Ceremony with petitioner and photographs of the same were also clicked. It is also submitted that as per the Aadhar Card Ex.D1 put to the victim, during cross-examination, her birth year is recorded as 2002. Learned counsel submits that though one of the moot point before the trial Court will be regarding ascertaining the date of birth, however, there is sufficient evidence to show that she was major on the date, when she allegedly married with the petitioner. It is submitted that the petitioner is in custody since 26.11.2020.

Learned State counsel has, however, submitted that all the witnesses have already been examined and only cross-examination of the Investigating Officer remains to be recorded and thereafter, the case will be fixed for defence evidence.

After hearing learned counsel for the parties, without commenting anything on merits of the case, considering the fact that there is no clear evidence on record regarding date of birth of the victim and also in view of the fact that in cross-examination, the victim has admitted that she left home with

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intention to perform marriage with the petitioner and went to Chandigarh, where they performed Anand Karaj Ceremony and thereafter, they filed a protection petition before this Court, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

**[ ARVIND SINGH SANGWAN ]**  
**JUDGE**

28.04.2021  
*vishnu*

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No