

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

CRM-M No.14705 of 2020

Date of Decision:09.09.2021

(Heard through VC)

Rajbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R.K. Arya, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. B.S. Bhalla, Advocate
for the respondent No.2.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.4 dated 29.01.2020 under Sections 376, 363, 366-A IPC and Section 4 of the POCSO Act registered at Police Station Bhindi Saidan, District Amritsar(Rural).

Counsel for the petitioner would contend that pursuant to the order dated 10.06.2020 passed by this Court, the petitioner has joined investigation. Moreover, this is a case where both the petitioner and daughter of the complainant have solemnized a marriage and daughter of the complainant is happily residing in her matrimonial house and is in the family way.

Counsel appearing on behalf of the complainant would oppose grant of anticipatory bail to the petitioner by contending that the prosecutrix

on the alleged date was a minor with a date of birth being reflected as 01.01.2007, whereas, counsel for the petitioner is placing reliance on a forged Aadhar Card with date of birth 01.02.2002. It is submitted that this Aadhar Card cannot be relied upon as there was every possibility that the date of birth on the Aadhar Card had been changed. It is alleged that the affidavit that has been furnished by the counsel for the respondent-State initially showed that the date of birth would be 01.01.2007 as on the basis of the original Aadhar Card produced by the complainant and the petitioner herein was only able to produce the photocopy of the Aadhar Card as relied upon by the petitioner showing that the prosecutrix was a major.

Learned counsel appearing on behalf of the respondent-State on instructions from ASI Karnail Singh submits that petitioner has joined investigation.

I have heard counsel for the parties and have perused the subsequent status report filed on behalf of the respondent-State in which it is stated that the daughter of the complainant was taken to an authorized counter of online biometric machine and on her thumb impression, print out of her Aadhar Card was obtained which would be the same as one produced by the petitioner and daughter of the complainant-Baljinder Kaur to the SHO, Police Station Bhindi Saidan with date of birth shown as 01.02.2002 and which was got issued after 15.09.2020.

Be that as it may, since the petitioner herein has joined investigation and has solemnized the marriage with the daughter of the complainant, who is in a family way, residing in her matrimonial home, this Court does not deem it appropriate to send the petitioner into custody.

Therefore, the instant petition is allowed and the order dated 10.06.2020

granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C. However, whether the Aadhar Card as relied upon by the petitioner is a forged document or not, it would be a matter of trial.

September 09, 2021
P.Bhatt

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No