

Gurpyar Singh @ Tari

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Jagjit Singh Gill, Advocate, for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.146, dated 10.07.2020, having been registered at Police Station City 1, Sangrur, alleging therein the commission of an offence punishable under Section 376 of the IPC.

On 17.11.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

Learned counsel for the petitioner submits that the petitioner was in fact in a live in relationship with the complainant (prosecutrix), with the intention that they would get married but in view of the COVID-19 pandemic, the marriage could not take place and in the meanwhile, at the instigation of the mother of the prosecutrix, the FIR was registered.

However, he submits that the prosecutrix is actually now living with the parents of the petitioner at Village Thaipi, Distric Mansa, with a girl child also born from the relationship.

Adjourned to 17.12.2020.

A gazetted officer is directed to file a reply to the petition, firstly giving therein the age of the prosecutrix as per her school certificates and further stating as to

whether the prosecutrix is now willingly living with the parents of the petitioner.”

Today, learned State counsel submits that though the reply could not be filed, yet it has been received by him (dated 05.01.2021), by way of an affidavit of Shri Satpal Sharma, DSP, Sub Division Sangrur, wherein it is stated that the alleged victim has even given birth to a child as a result of the liaison between the petitioner and her, with the said girl (alleged victim), now residing with the petitioner at village Thapi, Tehsil and District Mansa.

He further submits that as per the affidavit, though her date of birth in the office of the Registrar, Births and Deaths, is shown to be 20.08.2003, however, as per the certificate issued by the Principal of the Government Girls Senior Secondary School, Sangrur, her date of birth in the school record is shown to be 10.03.2002.

Keeping in view the above, I would see no ground to actually deny the petitioner the concession of bail. Consequently, this petition is allowed and the petitioner is ordered to be admitted to bail upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

January 12, 2021

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned :Yes/No
Whether Reportable :Yes/No