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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.37989 of 2020

Date of Decision: 27.01.2021

GURWINDER SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. G.S. Simble, Advocate for the petitioner.

Mr. Bhupender Beniwal, Asstt. A.G., Punjab.

Ms. Harneet Kaur, Advocate for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.64 dated 21.08.2020, registered under Sections 366, 376, 120-B IPC and Sections 4 and 8 of the POCSO Act at P.S. Dhilwan, District Kapurthala.

Interim bail was granted to the petitioner for a period of two months in view of facts and circumstances recorded in the order dated 23.11.2020. For ready reference, the said order is reproduced hereasunder:-

“The case has been taken up for hearing through video-conferencing.

FIR was registered for the offences under Sections 366, 376, 120-B IPC and Sections 4 and 8 of POCSO Act (Amended 2012, 2019) at Police Station Dhilwan, District Kapurthala.

The allegations are of rape under the pretext of marrying the prosecutrix. Thereafter, the petitioner refused to solemnize marriage with the complainant/prosecutrix.

It appears that there is compromise at subsequent stage where both the families of the complainant and accused have agreed to solemnize marriage of the prosecutrix with the accused petitioner after his release from jail. Complainant has executed an affidavit dated 07.11.2020 to this effect.

Learned counsel for the complainant admits the factum of compromise and contemplated marriage between the prosecutrix and the accused after release of the petitioner from jail.

At this stage, without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner on interim bail for two months on his furnishing adequate bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Ilalaqa Magistrate, Kapurthala.

Adjourned to 27.01.2021.”

Today, a photocopy of marriage certificate issued by Shri Guru Nanak Gurdwara, Opp. Bhaian Di Hatti, G.T. Road, Simble, Batala, Distt. Gurdaspur and some photograns have been placed on record showing that the petitioner has solemnized the marriage with the complainant/prosecutrix. The marriage certificate and the photographs are taken on record.

Learned counsel appearing on behalf of the complainant admitted the factum of marriage between the petitioner and the prosecutrix/complainant on 16.12.2020.

Learned State counsel could not dispute the factum of marriage between the petitioner and prosecutrix/complainant except to say that he has no information in respect of the aforesaid marriage. However, he opposed the grant of bail on the ground that the petitioner was involved in the offence under Section 376 IPC.

Taking into consideration the marital status between the petitioner and prosecutrix/complainant, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

January 27, 2021
Atik

Whether speaking/reasoned Yes/No

Whether reportable Yes/No