

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

CRM-M-41627-2020 (O&M)
Date of Decision:- 17.2.2021

Partap Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kushagra Mahajan, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG Punjab
assisted by SI Charan Singh,

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.132 dated 8.5.2019 under Sections 363, 366-A IPC (offences under Section 376-D IPC and Sections 3/4/6 of POCSO Act added lateron) at Police Station Jandiala, District Amritsar Rural.
2. The FIR in question was registered at the instance of Shinder Singh wherein it has been alleged that his daughter Navjot Kaur aged 16 years & 1 month as well as daughter of his brother namely Komaldeep Kaur aged about 16 years & 7 months had gone out on 1.5.2019 at about 12 p.m. to collect vegetables but did not return back. Later the complainant came to know that Partap Singh had taken away his daughter while his friend Harpreet Singh @ Kaka had taken away daughter of his brother on the pretext of marrying

them. It is further alleged therein that Hardeep Singh i.e. father of Partap Singh, Manjit Kaur (mother of Partap Singh), Paramjit Kaur (aunt of Partap Singh) and Kulwinder Singh had extended support for the said elopement and had earlier also threatened them.

3. The learned counsel for the petitioner has submitted that it is a case where the complainant's daughter had left her home out of her free will and had solemnized marriage with the petitioner, which was not acceptable to the complainant and on account of which the instant FIR came to be lodged. It has further been submitted that the complainant's daughter in her statement recorded under Section 164 Cr.P.C. has categorically stated that she was never kidnapped and had solemnized marriage with the petitioner out of her own sweet will. It has further been submitted that ever since the marriage, the complainant's daughter had been residing with the petitioner like his wife and they also have been blessed with a child, as would be evident from the birth certificate annexed with the petition as Annexure P-3.
4. Opposing the petition, the learned State counsel has submitted that since the complainant's daughter was a minor when she solemnized marriage with the petitioner, an offence under Section 376 IPC is clearly made out and that the petitioner is also liable for offence under Section 346 of POCSO Act. The learned State counsel has, however, not disputed the fact that the victim in her statement recorded under Section 164 Cr.P.C. has not supported the case of prosecution. It has further been informed that the petitioner as on date has been behind bars since the last about 5 months and that challan already stands presented.

5. In view of the aforestated position, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

17.2.2021

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No