

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
(229)**

**CRM-M-12698-2022
Date of decision:- 11.05.2022**

Gurpreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gaurav Antwal, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

...

SUVIR SEHGAL, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of post-arrest bail in case FIR No. 0003 dated 01.01.2022, registered for offences under Sections 343, 376 (2) (n) and 506 of the Indian Penal Code, 1860, at Police Station Division A, District Commissionerate Amritsar, Annexure P-1.

As per the case of the prosecution, FIR, Annexure P-1, has been registered on the statement of a 25 year old girl (for short hereinafter referred to as the “prosecutrix”) on the allegation that about 2-3 years back when she went with her family members to Golden Temple, Amritsar, she met Gurpreet Singh (present petitioner), they exchanged their Facebook ID's and remained in contact with each other. On 28.11.2021, she got a call from Gurpreet Singh and on his asking, went to Amritsar, without

informing her family, with the intention of getting married to him. However, Gurpreet Singh took her to a hotel near the bus stand, Amritsar and sexually assaulted her in the hotel room. Then, he took her to another hotel near the Golden Temple, Amritsar, where he kept her till 30.11.2021 and physically exploited her 10-11 times. He threatened her of dire consequences and on 30.11.2021, he left her at the bus stand, Amritsar with an assurance that he would come to Sirsa after 15 days and marry her. However, he did not come.

Counsel for the petitioner contends that after the registration of the FIR, the petitioner has married the prosecutrix on 14.01.2022. He has placed reliance on the Marriage Certificate, Annexure P-2, as well as the photographs, Annexure P-3, and affidavit, Annexure P-4, executed by the prosecutrix.

Vide order dated 31.03.2022, this Court directed the State to verify the said documents.

Status report by way of an affidavit of Assistant Commissioner of Police (Cyber Crime & Forensics), Amritsar City, has been filed on behalf of State-respondent, which is taken on record, wherein it has been inter-alia submitted as under:-

“10. That in order to verify the aforesaid documents, i.e., Annexures P-2 to P-4, in compliance of the order dated 31.03.2022, the investigating officer has recorded the statement of the prosecutrix, who has made a statement that her marriage has been solemnized with the petitioner on 14.01.2022 at village Ghariala. Tehsil Patti, District Tarn Taran and the Annexure P-2 is a certificate of their marriage, Annexure P-3 are the photographs of their marriage and the Annexure P-4 is her affidavit bearing her

signatures. He has further stated that now she is a wedded wife of the petitioner and presently living at her in-laws house. She has also confirmed the genuineness of the documents, Annexures P-2 to P-4. The true translation of the aforesaid statement of the prosecutrix is attached herewith for the kind perusal of this Court as Annexures R-I/T.”

Heard counsel for the parties.

Although, the State counsel has opposed the petition on the ground that the petitioner is accused of a heinous crime, but considering the fact that the petitioner has married the prosecutrix and the factum of marriage stands confirmed, this Court is of the view that the petitioner would be entitled to be released on bail.

Without advertng to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed.

Petitioner is ordered to be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate concerned.

It is clarified that nothing said hereinabove shall be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

11.05.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No