

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

208+106

CRM-M No.13914 of 2022 (O & M)
Date of decision:05.07.2022

Kuldeep Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Jasleen Kaur, Advocate for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

CRM-22338-2022

Allowed as prayed for.

Amended petition is taken on record.

Main Case

This is the first petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No.203 dated 15.08.2021 registered for offences under Sections 363, 366-A, 376 (2) (n) of IPC, 1860, and Section 06 of the Protection of Children from Sexual Offences Act, 2012, (for short "POCSO Act") at Police Station Lehra, District Sangrur.

As per the case of the prosecution, FIR, Annexure P-1, has been registered on the statement of Sukhwinder Singh that his minor daughter, 'AS' (name withheld) and Simran, daughter of his brother-Gurmail Singh, who is 18 years of age, are missing. It has been alleged that the girls have been enticed by Sukhdeep Singh and an unknown boy.

Counsel for the petitioner has urged that the petitioner is not named in the FIR. By referring to the Marriage Certificate, Annexure P-3, and wedding photograph, Annexure P-4, she submits that the petitioner has married Simran on 26.08.2021, who has attained the age of majority. It is her argument that the marriage took place against the wishes of the members of both the families and the petitioner alongwith Simran had approached this Court by way of CRWP-8199-2021 seeking protection. She submits that vide order dated 31.08.2021, Annexure P-6, this Court directed the official respondents to examine the representation submitted by them. Counsel has also invited the attention of the Court to the affidavit, Annexure P-7, executed by Simran, wherein she has deposed in favour of the petitioner. Counsel has placed on record the ultrasound report dated 15.06.2022, showing that Simran is in the third trimester of pregnancy and there is no family member to look after her. She submits that the petitioner, who is in custody since 14.01.2022, deserves to be enlarged on bail.

Per Contra, State counsel, upon instructions from SI Amarjit Kaur, has opposed the petition. By making a reference to the affidavit dated 23.05.2022 of Deputy Superintendent of Police, Sub-Division Lehra, District Sangrur, he has affirmed the fact that the petitioner has married Simran and other documents appended with the petition, have also been verified. A specific reference has been made by him to Para 07 of the affidavit. State counsel could not deny the fact that there are no allegations against the petitioner attracting offence under the POCSO Act.

Having considered the submissions made by counsel for the parties, this Court is of the opinion that the complicity of the petitioner in the crime, would remain a subject matter of debate before the trial court and the petitioner, who is in incarceration for last more than 06 months, would be entitled to be released on bail more particularly keeping in view the fact that he has married the victim-Simran, who is now at an advanced stage of pregnancy.

Without adverting to the merits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

05.07.2022

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(SUVIR SEHGAL)
JUDGE

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