

204 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22435-2021

Date of Decision: 08.12.2022

GURPREET SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Gopal Singh Nahel, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No. 204 dated 02.12.2020 under Sections 376 (2) (n) IPC, Section 6 of POCSO Act and Sections 417 and 420 IPC added lateron, registered at Police Station Sadar Ahmedgarh, District Sangrur.

Custody certificate has been placed on record.

Learned counsel for the petitioner contends that the petitioner and the victim were in relationship. The victim conceived and gave birth to a child on 01.12.2020. The FIR was lodged as the petitioner had refused to solemnize marriage and the sexual relationship was developed on the false pretext of marriage. Subsequently, the dispute has been amicably settled and after attaining the age of majority, the petitioner has solemnized marriage with the victim on 11.07.2021. The date of birth of the victim is 09.06.2003. The victim alongwith minor child is happily residing in the house of her in-laws with the petitioner and his other family members. The petitioner was granted interim bail in terms of the order dated 29.06.2021 as the petitioner intended to solemnize marriage with the victim.

Learned State counsel has also submitted that the fact with regard to solemnization of the marriage of the petitioner and victim has been verified. A child has also been born to the victim and she alongwith the minor child is residing in the house of the petitioner.

Learned counsel for the complainant/victim has also not disputed the factual assertion as put forth by the learned counsel for the petitioner.

Custody certificate indicates that the petitioner is in custody for a period of 06 months and 28 days and not involved in any other case. The petitioner is on interim bail since 01.07.2021 and there is nothing to suggest that he has misused the concession of bail.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate. As the petitioner is on interim bail, he shall furnish fresh bail bonds within a period of one month.

08.12.2022
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(VIVEK PURI)
JUDGE

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