

PREM SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sukhpreet Kaur, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Prem Singh-petitioner is seeking regular bail in the case bearing FIR No.157 dated 25.09.2021 under Sections 376/506/120-B IPC and Section 6 of POCSO Act (Amended) 2012, 2019, registered at Police Station Sadar, District Ferozepur.

Learned counsel for the petitioner contends that the allegations with regard to the commission of penetrative sexual assault have been attributed against Ravi Singh, the son of the petitioner. It has been further stated that the FIR has been registered on the allegations that the victim was aged about 15 years and she has been kidnapped by the petitioner in connivance with his wife-Meeto Bai and son-Prem Singh for the purpose of solemnizing marriage of the victim with Prem Singh. The allegation with regard to commission of rape has been attributed to Ravi Singh. It has been further argued that the date of birth of the victim is 08.01.2004 as depicted in the birth certificate as Annexure P-3. After attaining the age of majority, the victim has solemnized marriage with Ravi Singh @ Gurmej Singh i.e. the son of the petitioner on 13.06.2022.

photographs depicting the marriage.

At the earlier instance, the son of the petitioner had filed a complaint against the maternal uncle and others on the allegations that they were trying to forcibly solemnize the marriage of the victim with an injured person. Furthermore, the wife of the petitioner has been granted interim bail by this Court in terms of order dated 11.07.2022 passed in CRM-M-29010-2022.

The bail has been resisted by the learned State counsel on the score that the investigation is still pending and the arrest of Ravi Singh is yet to be effected.

Be that as it may, the petitioner is the father of Ravi Singh. The allegations with regard to forcible penetrative assault have not been attributed to him. It is a categoric case set up by the petitioner that her son has solemnized the marriage with the victim after she attained the age of majority. Moreover, the custodial interrogation of the petitioner is over and he has been remanded to judicial custody. The conclusion of trial is likely to take some time. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

28.07.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No