

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

Sr. No.230

CRM-M-35261-2022

Date of decision: 12.09.2022

Umesh

....Petitioner

Versus

Union Territory, Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rajiv Malhotra, Advocate and
Mr. Varun Girdhar, Advocate, for the petitioner.

Mr. Abhinav Gupta, Addl. P.P., U.T., Chandigarh.

Mr. M.K. Sood, Advocate, for the complainant.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.51 dated 11.04.2022 registered under Sections 363, 366 and 376(2)(n) IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Mauli Jagran, Chandigarh.

The petitioner is being prosecuted for having kidnapped and raped a minor girl.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner and the alleged victim got married on 03.09.2021; out of their wedlock a child has also been born; the petitioner is in custody since 14.05.2022; investigation in the case is complete and therefore, the petitioner is not in a position to influence the same; the alleged victim after having attained majority has opted to and is staying as the petitioner's wife in her matrimonial home and that in view of the afore submissions further incarceration of the petitioner is wholly unnecessary.

Learned State counsel does not dispute the fact that the alleged victim is presently living at her matrimonial home as wife of the petitioner and they have been blessed with a child but opposes the grant of bail to him

on the ground that at the time when the petitioner committed the offence for which he is being prosecuted the alleged victim was a minor.

It is not disputed that the petitioner and the alleged victim got married on 03.09.2021; that they have been blessed with a child; that even after the alleged victim has attained majority she is living in her matrimonial home as the petitioner's wife and that the investigation in the case is complete.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Chandigarh, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

September 12, 2022
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(DEEPAK SIBAL)
JUDGE

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