

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 217/A

Criminal Miscellaneous No.M-13040 of 2023

Date of Decision: *March 21, 2023*

Sarjeewan Kumar

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

...

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

...

PRESENT: - Mr. Rajeev Dev Sharma, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

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Tribhuvan Dahiya, J (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.72 dated 08.12.2019, under Sections 363, 366-A, 120-B IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Taragarh, Pathankot, District Pathankot.

2. The FIR in question was lodged on a complaint by victim's mother alleging that her minor daughter aged about sixteen and a half years, was taken away by the petitioner's brother Raman Kumar, in connivance with the petitioner, as the former wanted to marry her.

3. Learned counsel for the petitioner contends that the petitioner's brother and the complainant's daughter were known to each other and she willingly accompanied him. On victim's attaining majority, the two solemnized marriage on 05.08.2021. The marriage certificate is on record as Annexure P-2. A child was also born to them. Based on the compromise dated 05.07.2021, the two had filed a petition for quashing of

the FIR in question, i.e., CRM-M-33785-2021. During the course of hearing of the quashing petition, the State filed reply dated 27.09.2022 (Annexure P-6), verifying the fact that the petitioner's brother Raman Kumar and the complainant's daughter had infact married, and a child was born to them on 26.03.2021. The victim was happily residing in the house of petitioner's brother in the village.

4. Learned State counsel, on instructions from ASI Balbir Singh, does not deny the facts submitted by learned counsel for the petitioner. It is, however, submitted that the petitioner was arrested on 17.01.2023 and challan against him has been presented on 17.03.2023. Challan against the co-accused/parents of the petitioner was presented earlier and charges against them were framed on 16.07.2022. The petitioner is in custody since 17.01.2023, and is not involved in any other case.

5. Considering the facts aforestated and keeping in view the fact that the petitioner's brother Raman Kumar as well as complainant's daughter have married, and the victim is happily residing in his house, and also that trial of the case will take long time to conclude, it is deemed appropriate to admit the petitioner to bail during pendency of the trial.

6. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of trial Court/Duty Magistrate concerned.

(Tribhuvan Dahiya)
Judge

March 21, 2023
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