

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

223

CRM-M-17298-2023

Date of Decision: 19.04.2023

Sahil

...Petitioner

Versus

State Of U.T., Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Bhupinder Banga, Advocate for the petitioner

Mr. A.M. Punchhi, P.P., U.T., Chandigarh

Mr. Imran Ahmad Ali, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Section 439 Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking regular bail in FIR No.53 dated 28.01.2023 under Sections 376(2)(n) & 323 of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Sector 36, Chandigarh.

2. Mr. Imran Ahmad Ali, Advocate appeared and filed his Power of Attorney on behalf of the complainant. The same is taken on record. Registry is directed to tag at an appropriate place.

3. The case of the prosecution is that petitioner on the pretext of marriage made physical relations with the prosecutrix.

The prosecutrix and petitioner were major at the time of commission of alleged offence.

4. Learned counsel for the petitioner as well learned counsel for the complainant submit that prosecutrix and petitioner are going to solemnize marriage within two months from the date of release, thus, petitioner needs to be released on bail.

5. Mr. A.M. Punchhi, learned State counsel submits that State may be granted liberty to move an appropriate application seeking cancellation of bail, if petitioner resiles from his statement.

6. I have heard the arguments of learned counsels for the parties and perused the record with their able assistance.

7. From the perusal of FIR and contention of parties, it is quite evident that FIR came to be registered on account of non-solemnizing of marriage by the petitioner with prosecutrix though physical relations were made on the pretext of marriage. The prosecutrix and petitioner have compromised the matter, their grievance stands redressed and as per the statements made by learned counsels for the petitioner as well as learned counsel for the complainant, petitioner and prosecutrix are going to perform marriage.

8. In view of statements made by learned counsel for both sides, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The petitioner is ordered to be released on bail subject to conditions as may be imposed by Trial Court/Illaq/Duty Magistrate concerned.

9. If the petitioner does not solemnize marriage with the prosecutrix within two months from the date of his release, the State would be at liberty to move an application for cancellation of bail granted by this order.

10. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

19.04.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>