

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

216

CRM-M-22027-2023

Date of Decision : 19.05.2023

Parveen Kumar

..... Petitioner

Versus

State of UT and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Mr.Dalip Kathuria, Advocate  
for the petitioner.

Mr.A.M.Punchhi, APP for U.T.Chandigarh.

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**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.02 dated 05.01.2023 under Sections 376(2)(n) of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station North, Chandigarh.

2. 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. The prosecutrix got pregnant from loin of petitioner and she was compelled for abortion.

3. Learned counsel for the petitioner *interalia* submits that prosecutrix and petitioner are going to solemnize marriage within three months from the date of release, thus, petitioner needs to be released on bail.

4. Ms. Simranjit Kaur, Advocate filed her power of attorney on behalf of respondent No.2/complainant, which is taken on record.

5. The complainant alongwith her counsel Ms. Simranjit Kaur is present in Court and submits that she has entered into a compromise with the petitioner and they are going to solemnise marriage, thus, she prays that petitioner may be released on bail.

6. 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.

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

8. 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.

9. 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/Illaqah/Duty Magistrate concerned.

10. If the petitioner does not solemnize marriage with the prosecutrix within three 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.

11. 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

19.05.2023  
*anju*

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|---------------------------|---------------|
| Whether speaking/reasoned | Yes/No        |
| <i>Whether Reportable</i> | <i>Yes/No</i> |