

CRM-M-30386-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

CRM-M-30386-2023 (O&M)
Date of decision : 21.09.2023

Yuvraj Singh @ Judge ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Anupam Bhardwaj, Advocate for the petitioner.

Mr. Shubham Kaushik, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.77 dated 31.03.2022 under Sections 363, 366-A of the Indian Penal Code, 1860 (Section 4 of the Protection of Children from Sexual Offences Act, 2012 added later on) registered at Police Station Jandiala, District Amritsar.
2. Learned counsel for the petitioner would contend that the petitioner and the daughter of the complainant had solemnized their marriage and have also been blessed with a child who is now 03 months' old. It is

further the contention that the daughter of the complainant has not supported the case of the prosecution in her statement recorded under Section 164 CrPC. Learned counsel has also referred to the affidavit of the complainant wherein she has stated that she has no issue with the marriage of her daughter with the petitioner. The daughter of the complainant, who is also present in Court today with the minor child, has stated that she is happily residing in her matrimonial house. It is further the contention of learned counsel that the petitioner has been in custody for a period of 02 months and 18 days.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 02 months and 18 days. Learned State counsel on instructions from ASI Baldev Singh has stated that there would be no requirement of filing a status report and that the complainant's daughter is happily residing in her matrimonial house. It has also been stated by learned State counsel that the parties have since arrived at a settlement.

4. Heard.

5. In the present case as per the statement made by learned counsel for the petitioner as well as learned State counsel, the parties have arrived at a settlement and the complainant's daughter is residing happily in her matrimonial house and has also been blessed with a child who is now 03 months' old. The petitioner has been in custody for a period of 02 months and 18 days. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any

further.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

21.09.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO