

CRM-M-35446-2023

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

CRM-M-35446-2023

Date of Decision:- 04.10.2023

Amir Khan

...Petitioner

Vs.

State of Punjab

...Respondent

**CORAM:- HON'BLE MS. JUSTICE AMARJOT BHATTI**

Present:- Mr. Rohit Sapehiya, Advocate  
for Mr. Aditya Pratap Singh, Advocate  
for the petitioner.

Mr. Rohit Ahuja, DAG Punjab.

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**AMARJOT BHATTI, J. (Oral)**

1. The petitioner – Amir Khan has filed the present 2<sup>nd</sup> petition under Section 439 CrP.C. for grant of regular bail in case FIR No. 156 dated 16.08.2021 under Sections 363, 366, 376 of IPC, Section 4 of Protection of Children from Sexual Offences Act, 2012 and Section 9, 10 of Protection of Child Marriage, Act, 2006 (added subsequently vide DDR No. 38 dated 23.10.2022), registered at Police Station Shahpur Kandi, Tehsil and District Pathankot.

2. The facts of the case are that the present FIR has been registered on the statement of complainant Anju Bala, mother of the victim who stated that she is mother of two sons and a daughter. Her daughter i.e. the victim is around 17 years of age and was student of 10+2 class. On 10.08.2021, at about 11 o' clock the victim left the house for going to *bazaar* and did not return home. She waited for her till evening and thereafter, they started searching for her. Later on, they came to know that Amir Khan had allured

her daughter and she was taken away with the intention to marry her. The matter was reported to the police and the present F.I.R. was registered on 16.08.2021.

3. The learned counsel for the petitioner argued that the F.I.R. has been got registered due to some misunderstanding. The victim was not allured to leave her parental house. In fact, she left the house with her own free will without any pressure. Thereafter, they performed marriage and out of this wedlock, one child Aditya Khan has been born on 11.08.2022. The present petitioner belongs to Muslim community. Now, the matter has been settled. The compromise deed dated 07.02.2023 has been executed between the parties. The alleged victim is living happily in the matrimonial home. The bail application was wrongly declined by learned Additional Sessions Judge, Pathankot vide order dated 15.11.2022, which is Annexure P-4. Even otherwise, he is in custody since 23.10.2022. It is prayed that his regular bail application may kindly be allowed.

4. The learned counsel representing the State has filed the status report. It is confirmed that after the completion of investigation, challan has been presented. It is also mentioned that the petitioner had solemnized marriage with the alleged victim and one baby boy was born on 11.08.2022. The offence under the provisions of Protection of Child Marriage Act, 2006 was also added. It is also confirmed that the statements of all material witnesses have been recorded except one witness and the next date fixed in this case is 12.09.2023.

5. I have considered the arguments and have gone through the record carefully. The learned counsel for the petitioner has placed on record the statements of the witnesses recorded before the trial Court by filing separate application. The statement of complainant recorded as PW-1 is Annexure P-4. The statement of Balwant Singh, father recorded as PW-2 is Annexure P-5 and the statement of victim recorded as PW-3 is Annexure P-6. All the aforesaid witnesses have not supported the allegations detailed in the F.I.R. The status report further indicates that the present petitioner and the alleged victim had performed marriage and out of this wedlock, one child was born on 11.08.2022, who is now more than one year old. The present petitioner was arrested on 23.10.2022. Statement of all the prosecution witnesses have been recorded except one. Trial of this case may also take some time. Therefore, without expressing my mind on the merits of the case, the second regular bail application filed by the petitioner – Amir Khan is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

The petition is accordingly, accepted.

04.10.2023

*lalit*

**(AMARJOT BHATTI)**  
**JUDGE**

Whether speaking/reasoned:

Yes

Whether reportable:

Yes/No