

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

CRM-M-36729-2023

Date of Decision: 24.11.2023

AKASK MASIH @ AKASH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.K.Virk, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Ms. Pooja Arora, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 50 dated 28.05.2021 under Sections 363, 366, 120-B, 376 IPC and Sections 6, 8, 17 of Protection of Children from Sexual Offences Act, registered at Police Station Bholath, District Kapurthala.
2. Custody certificate has been taken on record.
3. Learned counsel for the petitioner contends that as per the allegations, the date of birth of the victim was 01.02.2005 and she went missing from the house on 27.05.2021. The victim and the petitioner were in relationship, after attaining the age of majority, the victim has solemnized marriage with the petitioner on 28.02.2023 and Annexure P-2 is the marriage certificate. The couple has also been blessed with a child. The victim is happily residing in the matrimonial house with the parental family of the petitioner.

4. Learned State counsel has opposed the bail application on the score that there are categoric allegations levelled by the victim against the petitioner in her statement under Section 164 Cr.P.C. It has been further stated that the charges are yet to be framed.

5. Ms. Pooja Arora, Advocate has joined the proceedings on behalf of the complainant and has not disputed the fact of solemnization of the marriage of the victim with the petitioner after attaining the age of majority. It has also been submitted that the daughter of the complainant has been blessed with a child and is happily residing in the house of her in-laws.

6. It is significant to note that after attaining the age valid for marriage, the victim has solemnized marriage with the petitioner. The victim is stated to be residing in the matrimonial house with the parental family of the petitioner and has also been blessed with a child. The petitioner is in custody for a period of 7 months and 2 days and not involved in any other case. The investigation of the case is complete, challan has been presented in the Court, and charge is yet to be framed. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

7. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief

Judicial Magistrate/Duty Magistrate.

8. The petition is allowed.

24.11.2023
Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No