

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

(106+216)

CRM-5793-2023 and  
CRM-5796-2023 in/and  
CRM-M-47794-2022.

Date of Decision:-22.02.2023.

Tinku

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ALOK JAIN**

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Present: Ms. Arti Kaur, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

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**ALOK JAIN, J. (Oral)**

**CRM-5793-2023**

Application for preponement of the main case is dismissed for  
having been rendered infructuous.

**CRM-5796-2023**

Application for placing on record the statement of the victim  
PW-1 as Annexure P-5 is allowed, subject to just exceptions.

Annexure P-5 is taken on record.

**CRM-M-47794-2022**

Prayer in this petition is for grant of regular bail to the  
petitioner in FIR No.26 dated 23.04.2022, under Sections 363, 366, 376 of  
IPC and Section 6 of the POCSO Act, 2012, registered at Police Station  
City Balachaur, District SBS Nagar.

CRM-5793-2023 and  
CRM-5796-2023 in/and  
CRM-M-47794-2022

Custody certificate filed by the learned State counsel is taken on record.

Learned counsel for the petitioner has placed on record the testimony of the prosecutrix, wherein, she has stood by her version that she is in conscious relationship with her consent with the petitioner and in fact she is carrying 08 months old fetus in her womb. Learned counsel for the petitioner further submits that prosecutrix has been blessed with a child and the petitioner is the father of the said child. She further submits that the petitioner wants to marry the prosecutrix but the only hurdle is that the prosecutrix has not completed the age of 18 years. Although in their statement, the prosecutrix and the petitioner have submitted that they had performed marriage.

Learned State counsel has opposed the bail petition.

Heard the learned counsel for the parties.

Without commenting on the merits of the case and in light of the fact that the petitioner is in custody for the last 09 months coupled with the fact that the prosecutrix has acknowledged that the petitioner is the biological father of the child and the fact that both the parties are apparently in a strong relationship and they want to live together, the petitioner has made out a case for grant of concession of regular bail.

The petitioner has been in custody since **26.05.2022**. Trial is likely to take long time. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on

CRM-5793-2023 and  
CRM-5796-2023 in/and  
CRM-M-47794-2022

bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. He shall, however, be released on the following conditions:

1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

**(ALOK JAIN)**  
**JUDGE**

**February 22, 2023.**

Sandeep

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|-----------------------------|--------|
| Whether speaking/reasoned:- | Yes/No |
| Whether Reportable:-        | Yes/No |