

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

214

**CRM-M No. 56621 of 2022
Date of Decision : 21.3.2023**

*Satnam Singh @ Sonu @ Sona**..... Petitioner**versus**State of Punjab and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. N.S. Lucky, Advocate, for the petitioner

Mr. Kunal Vinayak, AAG, Punjab

Respondents no.2 and 3 in person
(identified by counsel for the petitioner)

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.121 dated 9.4.2022 under Sections 363, 366 IPC (Sections 376 IPC and Section 6 of POCSO Act added later on), registered at Police Station Maqboolpura, District Police Commissionerate Amritsar.

2. The FIR was lodged on a complaint of respondent no.2 alleging that her minor daughter had gone missing from home on 3.4.2022, while the parents were away for work. Subsequently, she was recovered on 3.7.2022, her statement under Section 164 Cr.P.C. was recorded to the effect that she did not want to go home with her parents. Therefore, she was sent to *Nari Niketan* at Jalandhar. It is further submitted that both, the petitioner and the victim, are in relationship and a child has also born to them a few months back. Parents of the petitioner as well as the victim have sworn affidavits dated 9.8.2022 (Annexure P-3 and P-4 respectively) that whenever the victim attained the age of eighteen years, her marriage with the petitioner shall be performed.

3. The complainant and the victim (respondents no. 2 and 3) are present in Court and have affirmed the submissions made by learned counsel for the petitioner.

4. Learned State counsel, on instructions from ASI Sukhwinder Singh, submits that charges have already been framed against the petitioner on 16.11.2022 and trial will soon commence. There is no other case against the petitioner, who remains in custody since 3.7.2022. Offences under Sections 376 IPC and Section 6 of POCSO Act were added later against the petitioner, as the victim was minor.

5. Keeping in view the facts aforestated, it is apparent that investigation of the case is complete and trial will take long time to conclude. Besides, relationship between the petitioner and the victim is not in dispute and a child has also been born to them. The petitioner has no criminal antecedents. Confining him into custody, in these circumstances, will not serve any purpose.

6. Accordingly, the petition is allowed. The petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate.

(TRIBHUVAN DAHIYA)
JUDGE

21.3.2023

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No