

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-4316-2024
Date of decision: 26th February, 2024

Malkeet Singh and another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. GPS Pathania, Advocate for the petitioners.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-
The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
140	09.12.2023	Sujanpur, District Pathankot	363, 366 of Indian Penal Code, 1860 (For short ‘IPC’) and Section 6 of POCSO Act, 2012 and Section 11 of the Prohibition of Child Marriage Act, 2006 were added later on

2. The petitioners who are parents of the main accused Anshu are making the prayer for grant of regular bail in this case. The main accused Anshu has been booked and challaned for commission of offences under Sections 363, 366 and 376 of IPC and Section 6 of POCSO Act, 2012 vide FIR No. 140 dated 09.12.2023 whereas the present petitioners had been booked for commission of offence punishable under Section 11 of Prohibition of Child Marriage Act, 2006 (for short ‘the Act, 2006’). They were arrested on 12.12.2023.

3. The present petition has been filed by the petitioners on the grounds and argued by his counsel that the petitioners are in custody since

12.12.2023. Their custodial interrogation is no more required. No recovery is to be effected from them. No useful purpose would be served by keeping him in custody. Therefore, it is argued that they deserve to be concession of bail.

4. Learned State counsel has admitted the fact that the present petitioners have been booked only for offence punishable under Section 11 of the Act, 2006.

5. The petitioner No.1 is in custody since 12.12.2023 whereas petitioner No.2 Mamta was ordered to be released vide order dated 01.02.2024, in view of the fact that as per the provisions of Section 11 of the Act, 2006, no female can be kept behind bars. Keeping in view the nature of offence alleged to have been committed by the petitioners, the quantum of sentence which may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petition deserves to be allowed and the petitioners are ordered to be released on bail, subject to their furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

7. Since the main petitioner has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]

JUDGE

26th February, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No