

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.120+207

**CRM-25499-2024 in/and
CRM-M-28070-2024(O&M)**

Date of decision : 20.06.2024

Shinder Singh @ Nepali @ Jasvir Singh Petitioner

VERSUS

State of Punjab Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

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

Mr. Inderjeet Singh Ladher, DAG, Punjab

KIRTI SINGH, J. (Oral)

CRM-25499-2024

This application has been filed for placing on record the copy of marriage certificate dated 30.10.2023 as Annexure P7.

The application is allowed as prayed for.

Annexure P7 is taken on record.

CRM-M-28070-2024

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.55 dated 11.05.2022 registered under Sections 363, 366-A, 344, 346, 120-B IPC and Section 17 of POCSO Act at Police Station Subhanpur, District Kapurthala.

Learned counsel for the petitioner submits that the present FIR was registered on the basis of statement of one Virsa Singh who is the maternal grandfather of the victim. He further submits that the petitioner and victim were in a relationship and they had earlier approached this Hon'ble



High Court by way of filing a protection petition i.e. CRWP-5046-2012 which was dismissed as withdrawn vide order dated 25.05.2022. He further submits that the victim was apprehended by the police officials and in her statement under Sections 161 and 164 Cr.P.C she had not leveled any allegations against the petitioner and also made a statement that she had performed marriage with the petitioner on her own free will. He further submits that the victim has now been blessed with the baby boy.

Learned State counsel has filed custody certificate in Court today and the same is taken on record. As per the said certificate, the petitioner has undergone an actual custody of 01 month and 28 days and there is no other criminal case pending against the petitioner. He, on instructions from SI Baljeet Singh submits that out of total 21 prosecution witnesses, none has been examined till date.

Learned State counsel has also filed status report dated 19.06.2024 in Court today which is taken on record. He further stated that there are specific allegations against the petitioner for enticing away the victim on the pretext of performing marriage and is not entitled to the concession of regular bail.

Heard.

Considering the facts that marriage has been solemnized on 30.10.2023 (marriage certificate annexed as Annexure P7) and the victim has been blessed with a baby boy and keeping in view the facts and circumstances of this case and in view of the fact that the trial is likely to take some time, I do not find any reason to extend the incarceration of the petitioner any further.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail after furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

(KIRTI SINGH)
JUDGE

20.06.2024	
Ramandeep Singh	
Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No