

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

2024:PHHC:083466



**CRM-M-30252-2024 (O&M)
DATE OF DECISION : 05.07.2024**

**GURPAWANPREET SINGH @ PAWAN @ PAMMA
... PETITIONER**

V/S

STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr.Vikas Gupta, Advocate for the petitioner.
Mr. Davinder Bir Singh, Sr. DAG, Punjab.
Mr. Amandeep Singh, Advocate for respondent Nos.2&3.

* * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No. 184 dated 02.12.2022 under Sections 363/366/366-A IPC, registered at Police Station Sirhali, District Tarn Taran.
2. Notice of motion.
3. Mr. Davinder Bir Singh, Sr. DAG, Punjab accepts notice on behalf of the State and Mr. Amandeep Singh, Advocate has filed power of attorney on behalf of respondent Nos.2&3.
4. Learned counsel for the petitioner contends that the FIR is an

outcome of love affair between the petitioner and the daughter of the complainant who have solemnized marriage on 27.02.2024 after attaining the age of majority by the prosecutrix. The alleged occurrence took place on 26.11.2022 whereas the FIR was registered with the delay of 6 days on 02.12.2022. The petitioner is in custody since 02.05.2024. The photographs of the marriage are Annexure P-2. The copy of the marriage certificate is submitted in the Court, which is taken on record. The copy of the marriage certificate issued by Gurudwara Dukhnivaran Sahib, Chohla Sahib reflects that the petitioner and the prosecutrix have solemnized marriage on 27.02.2024.

5. Learned State counsel has confirmed the fact that the petitioner and prosecutrix have solemnized marriage on 27.02.2024. Copy of the statement recorded under Section 164 Cr.P.C. is also submitted in the Court today. Learned State counsel contends that the said statement is also in favour of the petitioner and the prosecutrix is now major. She has not stated anything against the petitioner in the said statement. The date of birth of the prosecutrix has been verified as per the School Leaving Certificate and the certificate issued by the Head Teacher of the School as 31.03.2015. Learned State counsel has further submitted that the prosecutrix has refused for her medical examination. Copy of the statement of the prosecutrix recorded under Section 164 Cr.P.C. refusing for medical examination, School Leaving Certificate issued by the Head Teacher of the School and the School Leaving Certificate are taken on record. Learned State counsel has further confirmed that challan has already been presented against the petitioner.

6. Learned counsel for respondent Nos.2 and 3 has confirmed the solemnization of marriage between the petitioner and the prosecutrix and further stated that he has no objection if the petitioner is allowed to be released on regular bail.

7. In view of the facts and circumstances of the case and considering the fact that investigation is complete and challan has already been presented, the prosecutrix has not stated anything incriminating against the petitioner in her statement recorded under Section 164 Cr.P.C., the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

9. Pending miscellaneous application(s), if any, shall stand disposed of.

05.07.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No