

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM-M No.34219 of 2023
Date of Decision: 29.02.2024

Jobanpreet Singh @ Joban @ Bona @ Jobanjit Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amit Arora, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

MANISHA BATRA, J.(Oral)

1. 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
0119	03.12.2021	Chohla Sahib, District Tarn Taran	417, 363 and 366 of IPC (Sections 471 and 201 of IPC added later on)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant “R” (name withheld) alleging therein that her daughter “A” (name withheld) who had passed 10th class and was minor had left the house on 22.05.2021 without informing anyone. She had kept on searching for her and now had come to know that her daughter had solemnized marriage with the petitioner on 25.05.2021. She also recorded that she had also come to know that in the

Neutral Citation No.2024:PHHC:029294

Aadhar Card, the date of birth of her daughter had been forged and she was shown as a major. Initially, a case under Sections 363, 366 and 417 of IPC was registered against the petitioner. Investigation proceedings were initiated. Since the fact that the actual date of birth of the victim had been forged in the Aadhar Card, therefore, the then learned District & Sessions, Tarn Taran gave a direction to the concerned SHO to conduct an inquiry with respect to actual age of the victim and to initiate proper proceedings against the culprits. After conducting such inquiry, offences under Sections 471 and 201 of IPC were added and it revealed that at the time of solemnizing marriage of the victim with the petitioner, it was maternal uncle of the petitioner who had managed to prepare a fabricated Aadhar Card and had also produced some other persons by showing them as real parents of the victim. The said Kabal Singh had, however, died on 21.11.2021. The petitioner was arrested on 11.08.2022. The victim was recovered from his custody and as she refused to go with her parents, she was sent to Sakhi One Centre at Tarn Taran. After completion of necessary investigation and usual formalities, challan under Section 173 (2) Cr.P.C. was presented against the petitioner and presently, he is facing trial for commission of offences under Sections 417, 363, 366, 201 and 471 of IPC.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 11.08.2022. The victim was in love with him and had herself gone with him willingly. They had performed marriage. He did not commit the subject offences. The trial was likely to take time. His custodial interrogation is no more required. No useful purpose is going to be

Neutral Citation No.2024:PHHC:029294

served by keeping him in custody. Therefore, it is argued that the petitioner deserves to be extended benefit of bail.

4. Status report has been filed by the respondent-State as per which, the petitioner had enticed away the minor daughter of the complainant on the pretext of performing marriage with her and by forging her Aadhar Card and showing her as major and solemnized marriage with her. In this way, he had committed the offences of cheating as well as forgery apart from offences of kidnapping etc. It is argued that allegations against the petitioner are serious in nature. The victim is yet to be examined. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel and have perused the record carefully.

6. The petitioner is alleged to have enticed away the minor daughter of the complainant as on 22.05.2021 and is further alleged to have solemnized marriage with her while knowing fully well that she is a minor. He is also alleged to have committed offence of cheating by impersonating some other persons as parents of the victim and is alleged to have connived with the co-accused Kabal Singh who is since dead in getting a prepared forged Aadhar Card on the basis of which the victim was shown to be major. He is in custody since 11.08.2022. The trial is likely to take time. Keeping in view the nature of the offence alleged to have been committed by the petitioner, the period of his incarceration and the attendant facts and circumstances of the case but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner deserves

to be given benefit of bail at this stage. Hence, the petition is allowed and

Neutral Citation No.2024:PHHC:029294

the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

29.02.2024
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No