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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-36216-2024(O&M)
Date of Decision: 28.11.2024

GURPREET SINGH @ DEEPA

...Petitioner

Versus

STATE OF PUNJAB AND ORS

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Sukhjit Singh, Advocate and
Ms. Arshdeep Kaur, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

HARPREET KAUR JEEWAN, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.258 dated 29.09.2022 (Annexure P-1) under Sections 363, 366-A, 376(2)(N) of the IPC and Section 6 of the POCSO Act, 2012 registered at Police Station Patran, District Patiala.

2. Status report dated 20.08.2024 by way of affidavit of Inderpal Chohan PPS, Deputy Superintendent of Police, Sub Division Patran, District Patiala as well as custody certificate dated 27.11.2024 filed on behalf of the respondent-State are taken on record. As per the custody certificate, the petitioner has undergone 01 year, 01 month and 01 day of actual custody.



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3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case. He further contends that the statements of the prosecutrix and her relatives have already been recorded by the trial Court. All the witnesses have stated that the prosecutrix had gone out of her house as per her own will and she was 17 years of age at the time of the alleged occurrence. He submits that on attaining the age of majority by the prosecutrix, the petitioner had solemnized marriage with her. However, later on, the petitioner was arrested on 26.10.2023.

4. On the other hand, learned State counsel has opposed the bail on the ground of gravity of allegations against the petitioner. Learned State counsel has informed that the date of birth of the prosecutrix is 11.09.2005 and she was minor at the time of the alleged occurrence. The UPT test of the prosecutrix was found to be positive. While referring to the above-mentioned status report, learned State counsel has further informed that during the enquiry, marriage certificate dated 12.10.2023 was found to be genuine. As per the statement of the Secretary of Committee of Gurdwara, the marriage of the prosecutrix with the petitioner was solemnized in Gurdwara Sahib Sangat Singh Ji by way of Anand Karaj. As per the birth certificate, the prosecutrix was major at the time of solemnizing marriage with the petitioner.

5. I have heard learned counsel for the parties and have also gone through the paper-book, as well as the status report, carefully.

6. The investigation is already complete. The final report ('*challan*') under Section 173 Cr.P.C. has already been presented before the trial Court. The conclusion of the trial is going to take time. There is no apprehension of absconding of the petitioner during the trial as statements of the private

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witnesses including the prosecutrix (Annexures P-3 to P-6) have already been recorded. The prosecutrix, who appeared as PW-1 before the trial Court on 08.02.2024, has even identified the petitioner as her husband.

7. Keeping in view the above facts and circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate 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. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

28.11.2024

P.Bhatt	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No