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2024 : PHHC : 040591

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-12706-2024 in/&
CRM-M-59000-2023 (O&M)
DATE OF DECISION : 20.03.2024

ROHIT KUMAR

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. H.S.Bedi, Advocate for the petitioner.

Mr. Ramandeep Singh, Sr. DA.G., Punjab.

Mr. Ravinder Singh, Advocate for respondent No.2.

* * *

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-12706-2024

1. This is an application for placing on record the copies of the marriage certificate and photographs of marriage as Annexures P-9 and P-10.
2. The same are allowed to be taken on record.
3. Registry is directed to tag the same at the appropriate place.
4. Disposed of.

Main case

5. 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. 209 dated 07.10.2023 registered under Section 376, 506 IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 at Police Station Mukerian, District Hoshiarpur.

6. Learned counsel for the petitioner contends that respondent

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No.2 has attained majority on 01.05.2023. Now the parties have solemnized marriage on 09.02.2024, as per the marriage certificate (Annexure P-9). Photographs of the marriage are Annexure P-10. Respondent No.2 got pregnant and due to the said issue the FIR was lodged. Subsequent, to the registration of the FIR, respondent No.2 has also delivered a child on 25.12.2023. The petitioner is in custody.

7. Learned State counsel has confirmed the factum of marriage of the petitioner with the prosecutrix and the birth of the child.

8. No doubt the prosecutrix was minor at the time of alleged occurrence. However, she has turned major. The petitioner was granted interim bail for 20 days as per order dated 30.01.2024 for performing marriage with the prosecutrix. The birth of the child has also taken place and keeping in view the interest of the parties and welfare of the minor child, who has taken birth out of the relationship, the application is allowed.

9. Thereforer, without expressing any opinion on the merits of the case, the petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds/surety to the satisfaction of the trial Court/Chief Judicial Magistrate, concerned.

20.03.2024

Janki

(HARPREET KAUR JEEWAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No