



CRM-4984-2022 in/and CRA-S-2040-2019

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

(214) CRM-4984-2022 in/and
CRA-S-2040-2019
Date of Decision:- 18.08.2025

Dharminder Singh @ Bhati
.....Appellant

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Ms. Puneeta Sethi, Advocate for the appellant.

Mr. Sahil Choudhary, AAG, Punjab.

ALOK JAIN, J. (Oral)

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The present application has been filed for allowing the appeal and setting aside the conviction order dated 05.07.2019, as the applicant-appellant and the victim have got married on 14.05.2020 and are residing together happily.

For the reasons stated in the application, the same is allowed.

The main appeal is taken on board today itself.

CRA-S-2040-2019

1. The present appeal has been filed against the judgment and order of conviction dated 05.07.2019 passed in FIR No.38 dated 03.07.2018, registered under Sections 376(2)(i), 376(2)(n), 506, 201 IPC and Sections 4, 6 of the POCSO Act, 2012, at Police Station City Ahmedgarh, District Sangrur, whereby the appellant was convicted and sentenced to undergo 10 years of rigorous imprisonment and to pay a fine



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of Rs.1,00,000/- only for commission of the offence under Sections 376(2)(i), 376(2)(n) IPC read with Section 6 of the POCSO Act and acquitted of offence under Section 306 of IPC.

2. The appellant was granted suspension of sentence vide order dated 16.11.2021. In the interregnum, when the prosecutrix attained the age of majority, the appellant solemnized marriage with her on 14.05.2020. Since then, both are residing together happily for more than five years. The parties are present in Court today.

3. Vide order dated 13.02.2024, the parties were directed to get their statements recorded. As per the report received from the CJM, Sangrur, the said fact stands duly verified and the statements have been recorded. The marriage certificate has also been placed on record.

4. Learned counsel for the appellant has relied upon the judgment of the Hon'ble Supreme Court in ***K. Dhandapani vs. The State by the Inspector of Police***, Criminal Appeal No.796 of 2022, relevant paragraph reads as under:

“In the peculiar facts and circumstances of this case, we are of the considered view that the conviction and sentence of the appellant who is maternal uncle of the prosecutrix deserves to be set aside in view of the subsequent events that have been brought to the notice of this Court. This Court cannot shut its eyes to the ground reality and disturb the happy family life of the appellant and the prosecutrix. We have been informed about the custom in Tamilnadu of the marriage of a girl with the maternal uncle.

For the aforesaid mentioned reasons, the conviction and sentence of the appellant is set aside in the peculiar facts of the case and shall not



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be treated as a precedent. The appeal is accordingly, disposed of. Pending application(s), if any, shall stand disposed of.”

Counsel has relied upon another judgment passed by Hon’ble Apex Court in case ***Saju P.R. vs. The State of Kerala & Ors.***, Criminal Appeal No.1740 of 2019 to substantiate her contentions, wherein similar principles have been laid down. The relevant paras reads as under:

“Considering the peculiar facts of the present case, the affidavit filed by the complainant and other materials on record, in our opinion, the relief claimed by the appellant to quash the criminal proceedings pending against him deserves to be acceded to for doing complete justice to the parties concerned.

Accordingly, the impugned judgment and order passed by the High Court is set aside and the miscellaneous case by the appellant before the High Court stands allowed.”

5. In light of the peculiar factual matrix as narrated above and keeping in view the principles of law laid down by the Hon’ble Supreme Court, the present appeal is **allowed**. The judgment of conviction and order of sentence dated 05.07.2019 *qua* Dharminder Singh @ Bhati are quashed and set aside and bails bonds are discharged, subject to costs of Rs.20,000/- to be deposited by the appellant in the account of ***Sadhna Society for the Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building, Manimajra, Sector 13, Chandigarh.***

(ALOK JAIN)
JUDGE

August 18, 2025

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Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No