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

**CRM-M-303-2025
Date of Decision: 27.01.2025**

Vishal

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Naresh Jain, Advocate
for the petitioner (through V.C.).

Mr. P.S. Bhandari, AAG, Punjab.

Mr. Adish Jain, Advocate,
for respondents No.2 & 3.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in FIR No.48 dated 17.10.2024, under Sections 137(2), 96, 3(5) of BNS, 2023 and Section 64 of BNS, 2023 and Section 4 of the POCSO Act (added later on), registered at Police Station Handesara, SAS Nagar, Mohali.

2. Mr. Naresh Jain, learned counsel for the petitioner has caused appearance through video conferencing and submitted that it is a case where even as per the FIR, the age of the prosecutrix was only 17 years and 11 months at the time of occurrence and the allegations were that the petitioner had taken her away on the pretext of getting marry. He while referring to Annexure P-2 submitted that rather both of them have filed a petition for seeking protection of their life and liberty before this Court which was disposed of vide order dated 19.10.2024 (Annexure P-2). He further submitted



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that the prosecutrix is now of the marriagable age and is now more than 18 years old and now they want to get marry and bury the differences. He also submitted that the prosecutrix had gone with the petitioner with her own consent and the difference was only one month of attaining the age of 18 years and therefore, has prayed that the petitioner may be granted regular bail since he has already faced incarceration for 2 months and 27 days.

3. On the other hand, Mr. P.S. Bhandari, learned AAG, Punjab has submitted that he is not aware as to whether the prosecutrix wishes to marry the petitioner or not, but the investigation of the case is complete and challan also stands presented and as per the FIR, the age of the prosecutrix is 17 years and 11 months at the time of occurrence.

4. At this stage, Mr. Adish Jain, Advocate has caused appearance and filed his Vakalatnama on behalf of the complainant and the prosecutrix, who are respondents No.2 & 3, which is taken on record. He submitted that the prosecutrix as well as her parents are present in Court today and he has also sought specific instructions from them after identifying them that they have stated that the prosecutrix would be marrying the petitioner in case he is granted regular bail because she had left her parents home and gone with the petitioner of her own wish and this will bury differences and after marriage, their respective lives will be saved since a compromise has already been effected between the parties.

5. After hearing the learned counsels for the parties and considering the fact that the investigation of the case is complete and learned counsel for the prosecutrix and the complainant (Respondents No.2 & 3) has specifically stated on instructions that the prosecutrix would be marrying the petitioner. Apart from the above, at the time of lodging of the FIR and at the time of



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occurrence, the age of the prosecutrix as so stated in the FIR was 17 years and 11 months and only one month is short for attaining the age of 18 years.

6. Therefore, considering the aforesaid facts and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

27.01.2025

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

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|------------------------------|--------|
| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable: | Yes/No |