
(2010) 12 P&H CK 0393

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M 35869 of 2010 (O and M)

Somwati

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 24-12-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 120B, 376

Citation : (2010) 12 P&H CK 0393

Hon'ble Judges : Jaswant Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Jaswant Singh, J.

Crl. Misc. No. 63726 of 2010

Allowed as prayed for.

Crl. Misc. No. M 35869 of 2010

1. Prayer u/s 439 Cr.PC is for grant of regular bail to the Petitioner in case bearing FIR No. 247 dated 19.08.2010 under Sections 376, 120-B of the Indian Penal Code registered with Police Station Focal Point, Ludhiana.

2. It is stated that the son of the Petitioner, namely, Vijay Kumar due to his love affair with Rizwana Parveen solemnized their marriage on 7.1.2010 with their own sweet will. Reference is made to the affidavit of Rizwana Parveen at Annexure P-2, wherein it is stated on oath by her that she had solemnized her marriage at her own sweet will on 7.1.2010 and was happily living at her in-laws house.

3. Learned Counsel submits that in view of the fact that Rizwana Parveen had left her parental home of her own sweet will even though she is alleged to be below 18 years of age, it cannot be said that she was enticed or taken away from the lawful custody of her parents. It is further stated that no offence is made out

against the Petitioner mother who is in custody since 19.10.2010.

4. Learned State Counsel on instructions from ASI Jagroop Singh concedes that the daughter of the complainant Riwezana Parveen has solemnized her marriage with accused Vijay Kumar and is happily residing at the matrimonial home. He further on instructions concedes that the complainant-mother has also accepted their marriage and does not wish to proceed with the prosecution of Vijay Kumar. He further on instructions submits that challan in the present case is yet to be presented.

5. Rizwana Parveen is present in the court and has been identified by ASI Jagroop Singh. She has also stated that she is happily residing in her matrimonial home.

6. Keeping in view the aforesaid circumstances, I find no useful purpose to keep the mother-in-law behind the bars, hence the petition is allowed and prayer for grant of regular bail is accepted. Petitioner-Somwati is directed to be released on bail subject to satisfaction of the CJM/Duty Magistrate Ludhiana.