

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM no.M-18163 of 2015(O&M)

Date of Decision : 24.08.2015

Tejinder

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr. Naresh Kaushik, Advocate for the petitioner

Mr. Hitesh Pandit, Addl. AG, Haryana

MAHESH GROVER, J.

The petitioner prays for grant of pre-arrest bail in terms of Section 438 Cr.P.C in case FIR no. 272 dated 19.10.2014 registered under Sections 363, 366A of IPC lateron added Sections 9, 10 of Child Marriage Act and Section376 IPC at Police Station Pundri District Kaithal.

It was contended by the learned counsel for the petitioner that earlier Section 376 IPC was not added which has now been incorporated. Besides, the petitioner was earlier granted pre-arrest bail when Section 376 IPC was not arrayed. Apart from this, there is sufficient material to show that there was involvement of the prosecutrix with the petitioner leading to marriage. The prosecutrix would plead coercion into marriage as also the statement under Section 164 Cr.P.C. Similarly, the petitioner would plead coercion of the prosecutrix in giving subsequent statement to the police alleging rape. Suffice it to say, in the backdrop of the aforesaid material possibility of false implication of

The petitioner cannot be ruled out.

Noticing the aforesaid facts this Court had granted interim protection to the petitioner vide its order dated 29.5.2015 subject to the compliance of Section 438(2) Cr.P.C.

The petitioner has since joined investigation to the satisfaction of the Investigating Officer which fact is not controverted by the learned State counsel on instructions from ASI Sumer Singh.

Thus, without commenting upon the merits of the case but noticing the fact that the petitioner has joined the investigation to the satisfaction of the Investigating Officer, instant petition is accepted. Interim directions dated 29.5.2015 are hereby made absolute, however subject to the condition that the petitioner continues to comply with the provisions of Section 438(2) Cr.P.C.

August 24, 2015
rekha

(Mahesh Grover)
Judge