

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

CRM No.M-29297 of 2015
Date of decision: 08.09.2015

Virender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. I.S. Pabla, Advocate for the petitioner.

Mr. Arun Luthra, AAG, Haryana
assisted by ASI Jagbir Singh.

Mr. Sandeep Singh, Advocate
for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.96, dated 14.04.2015, registered under Sections 363 and 366-A of the Indian Penal Code (for short 'IPC'), at Police Station Matlauda, District Panipat.

The learned counsel refers to Annexure P-1, the marriage certificate to contend that the petitioner has solemnized the marriage with prosecutrix. The parents of the prosecutrix are against their relation and thus, the present FIR has been falsely registered against the petitioner. The learned counsel further refers to Annexure P-2, vide which the prosecutrix and the petitioner have filed a protection petition before this

Court. The prosecutrix has also recorded in her statement under Section 164 Cr.P.C, that she wants to live with the petitioner. The learned counsel further refers to Annexure P-4, the statement of the prosecutrix suffered before JMIC, Panipat, whereby she expressed danger to her life from her father. The petitioner is in custody since 22.06.2015.

On the other hand, the learned State counsel as well as the learned counsel for the complainant oppose the prayer of bail and state that the prosecutrix is minor and her consent is of no consequence. The challan stands presented, however the charges are yet to be framed.

I have heard learned counsel for the parties and perused the record.

Keeping in view the statement of the prosecutrix recorded under Section 164 Cr.P.C., and her deposition before the JMIC, Panipat whereby she expressed her wish to marry with the petitioner and threat perception from her father; the challan stands presented, however, the charges are yet to be framed, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

08.09.2015

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(JITENDRA CHAUHAN)
JUDGE