

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

CRL. MISC. No.M-16889 OF 2015 (O&M)
DATE OF DECISION : 26th MAY, 2015

Kavita

.... Petitioner

Versus

The State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. Jitender Dhanda, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Deputy Advocate General, Haryana.

* * * *

SURINDER GUPTA, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.821 dated 29.12.2014 registered for offences punishable under Sections 363, 366-A, 376, 420, 467, 468, 471, 120-B IPC read with Section 10 of the Child Marriage Act; Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) and Section 4 of the POCSO Act at Police Station City Bhiwani.

Heard.

Notice of motion.

On the asking of the Court, Mr. Baljinder Singh Virk, Deputy Advocate General, Haryana, who is present in court, accepts notice and submits that intimation by Registry informing of fixation of the application has already been received and record of the case is available with him.

The only allegation against the petitioner is that she facilitated the marriage of niece of complainant with Suresh, who have filed a petition in this Court bearing CRM-M No.3384 of 2015 seeking protection of their life and liberty. The petition was disposed of vide order dated 30.01.2015. Thereafter, on appearing before the Chief Judicial Magistrate, Bhiwani on 05.02.2015 the prosecutrix (niece of the complainant) refused to go to Nari Niketan rather expressed her desire to go to her in-laws.

Keeping in view the above facts, but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Kavita is ordered to be released on regular bail on her furnishing bail bond and surety bond to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Bhiwani, subject to following terms:

- (i) The accused shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.
- (iii) She shall not leave the country without the previous permission of the Court.

26th May, 2015
'raj'

(SURINDER GUPTA)
JUDGE