

**In the High Court of Punjab and Haryana at Chandigarh**

**Crl. Misc. No. M-38662 of 2016**

**Date of Decision: 15.11.2016**

Rahul

.....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

Present: Mr. Jangvir Singh Hooda, Advocate  
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

\*\*\*\*

**ANITA CHAUDHRY, J(ORAL)**

The petitioner is seeking regular bail in FIR No. 581 dated 31.10.2014 registered at Police Station Camp, District Palwal under Sections 363, 366-A, 368, 376, 120-B, 419 IPC and Section 6 of the POCSO Act.

Counsel for the petitioner contends that the petitioner is in custody since 7.10.2015 and it was a case of run away couple and 20 witnesses have already been examined including the prosecutrix. Counsel further contends that it was a case of consent and the girl had accompanied the petitioner in October 2014 and they returned after almost a year and she was pregnant at that time and had made a statement in petitioner's favour. Counsel refers to the statement made under Section 164 Cr.P.C.

The MLR gives the age of the minor as 17 years. Counsel for the petitioner has contended that the petitioner had moved an application to the jail authorities and they had got the record according to which the date

of birth of the victim is 27.8.1999 and not 27.8.2002.

The victim has been examined. The girl was pregnant on her return. In her first statement made under Section 164 Cr.P.C., the victim had stated that she had married the petitioner. The trial is taking time.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing local surety and adequate bonds to the satisfaction of the trial Court/Duty Magistrate.

**(ANITA CHAUDHRY)**  
**JUDGE**

**November 15, 2016**  
Gurpreet

|                                  |          |            |
|----------------------------------|----------|------------|
| <b>Whether speaking/reasoned</b> | <b>:</b> | <b>Yes</b> |
| <b>Whether reportable</b>        | <b>:</b> | <b>No</b>  |