

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

**Criminal Misc. No. M-7997 of 2016
Date of decision: 31.05.2016**

Karnail Singh

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Suneel Ranga, Advocate
for the petitioner.

Ms. Trishanjali Sharma, AAG, Haryana
for the respondent – State.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. on behalf of petitioner-Karnail Singh for grant of regular bail in case FIR No.1482 dated 03.11.2015 registered under Sections 363, 366-A of Indian Penal Code at Police Station Panipat City, District Panipat.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case as the complaint was made at the instance of the father of the prosecutrix. The prosecutrix has specifically stated in her statement (Annexure P-2) that she has married with the petitioner with her will. Her parents wanted to get her married with some other person and they also tried to kill her many times. Learned counsel further submits that even in the statement recorded before the trial Court,

she has stated that she was 17 years of age and on the intervening night of 02/03.11.2015 at about 11.30 pm she went along with Karnail Singh and solemnized marriage at Arya Samaj Mandir, Chandigarh. Photographs of marriage were also exhibited as Ex.P2 and Ex.P3. Both the parties stayed at Chandigarh for $\frac{3}{4}$ days and thereafter, they returned to Panipat. She was taken to Govt. Hospital, Panipat but she refused to get herself examined vide her statement Ex.P4. Her statement was recorded under Section 164 Cr.P.C. before the Duty Magistrate and she has admitted her signatures on the statement. Thereafter, she was sent to Child Welfare House at Shondapur, Panipat. Learned counsel for the petitioner also submits that not only statement of prosecutrix but the statement of complainant has also been recorded and there is no possibility that the petitioner may influence the other witnesses as remaining witnesses are formal witnesses.

Learned State counsel on instructions from ASI Jawahar Lal submits that the statement of the complainant has not been recorded whereas learned counsel for the petitioner has shown certified copy of the statement of the complainant to the Court. The police official, who has come to assist the State counsel, is not telling the correct picture. Learned State counsel also submits that the age of the prosecutrix has wrongly been recorded as 17 years whereas she was 15 years of age at the time of occurrence.

Heard arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR as well as other documents available on file.

In two different documents i.e., birth certificate relied upon by

learned counsel for the petitioner and the Aadhar Card relied upon by

learned State counsel, different date of birth is there and the same is matter of evidence, which can be considered during trial.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner is in custody since 19.11.2015; there is no possibility that the petitioner is going to influence the witnesses as the material witnesses i.e., complainant as well as the prosecutrix have been examined and the trial may take some time in final conclusion, the present petition is allowed. The petitioner (Karnail Singh) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

31.05.2016
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(DAYA CHAUDHARY)
JUDGE