

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-8536 of 2016

DATE OF DECISION: 16.03.2016

AnujPetitioner

Versus

State of HaryanaRespondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper 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. V.K. Gupta, Advocate
for the petitioner.

Ms. Trishanjali Sharma, AAG, Haryana.

Mr. Nonish Kumar, Advocate
for the complainant.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner in case FIR No. 7 dated 8.9.2015 registered under Section 376 IPC, Section 4 of POCSO Act and Section 3 (i) (xii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Women Police Station, Yamuna Nagar.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, no offence is made out under Section 376 IPC as well as POCSO Act. The prosecutrix has attained the age of majority and has also executed an affidavit dated

18.2.2016 (Annexure P-1), wherein, it has specifically been mentioned that nothing wrong was committed with her by the petitioner. Learned counsel further contends that because of difference in caste, the parents of the parties were not agreeing for their marriage earlier but now there is no objection in performing the marriage of the petitioner with the complainant. Learned counsel also contends that certain ceremonies of marriage have already been completed but since the petitioner is behind the bars, the marriage could not take place.

Complainant-Priyanka is present in Court and has also been identified by ASI Shamsheer Singh. She submits that she has no objection in case the petitioner is released on regular bail.

Learned counsel appearing for the complainant has also not disputed the submissions made by learned counsel for the petitioner.

In view of the submissions made by learned counsel for the petitioner; after hearing the complainant, who is present in the Court and after considering the affidavit filed by her, which is annexed as Annexure P-1 with the petition, the present petition is allowed. Petitioner-Anuj is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

March 16, 2016
pooja

(DAYA CHAUDHARY)
JUDGE