

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-12807 of 2017
Date of Decision: 11.05.2017

Hasir

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kunal Dawar, Advocate
for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 114 dated 07.03.2017 registered for offences punishable under Sections 363 and 366-A of Indian Penal Code (for short, "IPC") and 10 of Prohibition of Child Marriage Act, 2006 at Police Station Nuh, District Mewat.

Heard.

Learned counsel for petitioner submits that the petitioner had married Rubina, daughter of complainant, and then filed a petition (CRM-M-9015-2017) seeking protection of their life and liberty in this Court, which is now fixed for 31.05.2017. The police has arrested petitioner for offences punishable under Sections 363, 366-A and 346 IPC and 10 of the Prohibition of Child Marriage Act, 2006. Offences punishable under Sections 363 and 366-A IPC are not attracted in this case as the petitioner has married Rubina with her consent and willingness. Even otherwise, he is also a young boy of the age of 22 years and is a student. He was arrested on

27.03.2017 and his custodial interrogation is no more required.

Learned State counsel submits that the petitioner besides violating provisions of IPC, for which he has been arrested, has also committed offence punishable under Section 10 of the Prohibition of Child Marriage Act, which is applicable to all citizens of Indian irrespective of their caste, creed or religion.

Keeping in view the age of petitioner, his antecedents and that he is a student and his custodial interrogation is no more required but without expressing any opinion on merits of the case and taking note of the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Hasir is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

May 11, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No