

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

**CRM No.M-16081 of 2017
Decided on: 08.05.2017**

Dharmender

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. J.S. Hooda, Advocate
for the petitioner.

REKHA MITTAL, J. (Oral)

The petitioner prays for grant of bail in anticipation of arrest in FIR No.47 dated 11.04.2017 under Sections 120-B and 376 of the Indian Penal Code (in short 'IPC') registered at Women Police Station, District Palwal.

Counsel for the petitioner would submit that prior to lodging of the FIR, the prosecutrix has not made any complaint to express her grievance with regard to the alleged physical relations developed by the petitioner with the complainant on the pretext of performing marriage. It is further submitted that sub-caste of the petitioner and that of the complainant is not same, therefore, it was not possible for the family to agree for a marriage. It is further submitted that as both the petitioner and the complainant were of tender age being less than 18 years of age 04 years prior to the lodging of FIR, there was neither any question of family agreeing for marriage or permitting the prosecutrix and the boy to develop physical relationship.

I have heard counsel for the petitioner and perused the

paperbook particularly the FIR lodged at the instance of the prosecutrix/complainant.

As per the allegations raised in the FIR, the accused developed physical relationship with the prosecutrix when she was less than 16 years of age. There was a promise by the accused and his family to perform marriage of the complainant with the accused but now they have refused to perform marriage as family of the complainant is not in a position to satisfy their demand of spending an amount of Rs.15/20 lacs on marriage. The allegations are serious in nature and custodial interrogation of the petitioner is required for progress in investigation. Under the circumstances, the petitioner does not deserve to be extended benefit of pre-arrest abil, a concession to be allowed by the Court.

Dismissed.

08.05.2017
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No