

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

Crl. Misc. No. M-22637 of 2016

Date of Decision : September 20, 2017

Karan Singh Petitioner

Versus

State of Haryana and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Gautam Diwan, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Gulshan Mehta, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

Petitioner seeks the concession of bail pending trial in FIR No.147 dated 12.05.2016 under Sections 323/324/34 IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 506, 325, 354-A IPC (added later on) registered at Police Station Rania, District Sirsa.

It is submitted that the petitioner has been falsely implicated in this case. In fact, the petitioner and the complainant's sister were having friendly relations. They wished to get married. The victim under duress and pressure of her family deposed against the petitioner. It is submitted that the victim is now major, her date of birth being 10.04.1998.

The petitioner and the victim in this case solemnized marriage on 14.08.2017 after interim bail for five days was afforded to the petitioner by the learned trial Court. The petitioner has thereafter surrendered. The victim in this case filed CRM-M-14767-2017 seeking a direction for protection of her life and liberty at the hands of her own parents and other family members. The victim in the said case appeared before this Court on 11.05.2017 and stated that she is being forced by her parents and other family members to marry against her wishes. She further stated that she was pressurized to make a statement against the present petitioner.

The victim, duly identified by ASI Rajesh, Police Station Rania, Sirsa, is present in Court today. She reiterates the facts as aforementioned. Marriage is stated to have been solemnized by her with the petitioner on 14.08.2017. It is further stated that she is living with the family of her in-laws and wishes to continue living there. Unwillingness to reside with her parents is expressed by her.

Learned counsel for the complainant while unable to deny the factual position as above submits that the victim is under the pressure and duress of the family members of the petitioner. However, it is not denied that the victim is a major as on date, even as per the stand of the complainant.

Learned counsel for the State, on instructions, from ASI Rajesh, verifies that the petitioner is not involved in any other case. He has been in custody since May 2016. There are no allegations that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. Trial of the case is not likely to conclude in the near future. No useful purpose shall be served by

keeping the petitioner incarcerated any longer.

Keeping in view the peculiar facts and circumstances of the case noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court.

20.09.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No