

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

CRM-M-26137-2017 (O&M)
Date of decision : 04.10.2017

Ajay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Devender Arya, Advocate,
for Mr. Saurabh Dalal, Advocate,
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana,
assisted by ASI Manjeet.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.1095 dated 07.11.2015, registered under Sections 346, 363 and 366A of the Indian Penal Code, and Section 4 of the Protection of Children from Sexual Offences Act, at P.S. Jhajjar.

Contends that the petitioner is in custody since 29.12.2015. The complainant and the prosecutrix were closely known to each other and without the approval of the parents, solemnized marriage. The factum of the marriage of the prosecutrix and the petitioner is duly noticed in the statement of the prosecutrix recorded under Section 164 Cr.P.C. The prosecutrix has not supported the case of the prosecution and has been residing the the matrimonial home.

Learned State counsel, on instructions, duly acknowledges the factual aspect of the matter.

Heard.

The petitioner is in custody since 29.12.2015. The prosecutrix has also not supported the case of the prosecution during trial.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

04.10.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No