

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

Criminal Misc. No.M- 3915 of 2017(O&M)

Date of Decision: July 26 , 2017.

Yashwant PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.3 dated 02.01.2017 under Sections 363/366A IPC and Sections 17/4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Sadar Ballabgarh, District Faridabad.

It is contended that the alleged victim i.e., the complainant's daughter is major, her date of birth being 15.07.1996. It is further submitted that the petitioner and the complainant's daughter solemnized marriage on 22.11.2015. They were living together as husband and wife. Reference is made to documents attached as Annexure P1 (Ration Card) and Annexure P3 (certain

medical prescriptions etc. in respect to the victim). Learned counsel for the petitioner also refers to the documents attached as Annexure P4 wherein it is mentioned that the petitioner and the complainant's daughter have solemnized marriage on 22.11.2015 in a Mandir. The complainant herself, it is submitted, appended her signatures on this document. Photograph of the complainant is appended on this document. It is thus prayed that this petition be allowed.

The matter had been adjourned to enable learned counsel for the State to verify the veracity of the documents as above. As per affidavit dated 16.05.2017 of Mr. Hanif Qureshi, IPS, Commissioner of Police, Faridabad, it is mentioned that the Adhar Card reflecting date of birth of the victim is not genuine. However in respect to the documents at Annexure P4 and the Ration Card at Annexure P2, it is mentioned as under:-

“iii) That the marriage contract letter has been verified from Advocate Raghukul Tilk Goad who stated in his statement that the marriage contract letter dated 26.12.2015 has been attested by me and in this regard an entry at Sr. No.3629 dated 26.12.2015 has been made in his register and Dinesh Kumar brother-in-law of the petitioner and Kanta mother of Khushnum had signed on marriage contract letter as witnesses.

iv) The Ration Card of the petitioner (Annexure P-2) has been verified from the Inspector, Food and Supply, Ballabgarh who stated that Ration Card bearing No.881998 is correct and genuine and entry has been made at Sr.No.6174.”

Learned counsel for the State submits that the complainant's daughter is now residing with her. Though the victim in her statement under Section 161 Cr.P.C. recorded in the presence of the Legal Aid Counsel did not

raise any allegations of rape against the petitioner, she has thereafter levelled specific allegations against the petitioner in her statement under Section 164 Cr.P.C. Furthermore she is a minor, thus this petition be dismissed. However learned counsel for the State, on instructions from ASI Vijay Kumar, affirms and verifies that the petitioner has joined investigation and he is not required for custodial interrogation. It is further verified that the petitioner is not involved in any other criminal case.

There are no allegations on behalf of the State 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.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 09.02.2017 is made absolute.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

July 26 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No