

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

CRM-M-39310-2017

Date of decision: 31.10.2017

Bijender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.Sushil Sheoran, Advocate for the petitioner

Ms.Mahima Yashpal, AAG, Haryana
assisted by HC Ravinder

JITENDRA CHAUHAN, J.

The present petition under Section 439 Cr.P.C. has been filed for grant of bail to the petitioner in case FIR No.168 dated 19.9.2016 registered under Sections 346, 342, 363, 366A, 376, 120-B read with Section 34 of the Indian Penal Code and Section 6 of POCSO Act at Police Station Loharu, District Bhiwani.

It is contended that the prosecutrix out of her free will accompanied the petitioner as both of them wanted to solemnize marriage with each other. The statement in this regard was made by the prosecutrix before the Child Welfare Officer on 14.10.2016. The petitioner is an unmarried person. The prosecutrix projected herself to be major before the petitioner. The petitioner is in custody since 25.9.2016 and nothing is to be recovered from him.

On the other hand, learned State counsel submits that the prosecutrix in her statement recorded under Section 164 Cr.P.C. has supported the case of the prosecution. Out of 20 PWs, 6 stand examined including the complainant and the prosecutrix.

I have heard the learned counsel for the parties.

Considering the multiple statements made by the prosecutrix before the Child Welfare Officer and under Section 164 Cr.P.C. and the fact that the petitioner is not married and is in custody since 25.9.2017 and out of 20 PWs only 6 have been examined, the conclusion of trial will take some time; without commenting on the merits of the case, the present petition is allowed. The petitioner be admitted to bail during the pendency of the trial on his furnishing bail/ surety bonds to the satisfaction of the learned Duty Magistrate/trial Court.

31.10.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No