

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

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Crl. Misc. No. M 41693 of 2016
Date of decision: 12.01.2017

Juned and another

.....Petitioners

Versus

State of Haryana

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Sarfraj Hussain, Advocate
for petitioner No. 1-Juned

Mr. Amrik Narwal, DAG, Haryana

Mr. Gautam Dutt, Advocate
for the complainant

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Rekha Mittal, J. (Oral)

Petitioner No. 1 namely Juned prays for grant of regular bail in FIR No. 186 dated 20.10.2016 for offence punishable under Sections 366, 120-B (later deleted) and 376-D of Indian Penal Code (later inserted) registered with Police Station Nagina, District Mewat.

Counsel for petitioner No. 1 submits that Najma sister of Niaz Mohammad performed marriage with Juned after obtaining age of majority on 18.10.2016. They filed a joint petition CRM M 38897 of 2016 seeking protection to their life and liberty wherein Najma had admitted the factum of marriage. During investigation, statement of Najma under Section 164 of Code of Criminal Procedure (in short, 'Cr.P.C.') was recorded wherein she had stated that she is happy with her marriage with Juned and wants to live

with him. It is further submitted that Najma and Juned performed marriage as they were in affairs for the past more than four years. The last submission made by counsel is that on completion of investigation, challan has been presented in the Court and conclusion of the trial is likely to take its own time. It is further submitted that petitioner No. 1 is ready to face trial without any default and subject to the condition(s) that may be imposed.

Counsel for the State has not disputed the facts being a matter of record but opposed the bail application with the plea that as Najma was earlier married and she did not obtain any divorce, she could not perform marriage with Juned.

Counsel for the complainant has submitted that as per statement of Najma recorded under Section 164 Cr.P.C., it was misrepresented by the petitioner to her that there was no need to get divorce for performing marriage with Juned.

I have heard counsel for petitioner No. 1, perused the paper book and a copy of statement of Najma recorded under Section 164 Cr.P.C on 28.11.2016, made available by the State counsel during course of hearing.

Perusal of the statement got recorded by Najma indicates that she has performed marriage with Juned and has expressed her happiness to live with Juned as a wife. On completion of investigation, challan has been presented in the Court and conclusion of the trial is likely to take its own time. There are no such allegations that the petitioner does not have any permanent place of stay or is likely to abscond, in case, released on bail.

Without commenting upon the merits of the controversy, the

petitioner-Juned is ordered to be released from custody on his furnishing bail bonds to the satisfaction of concerned trial Court/duty Magistrate subject to the following conditions:-

- (i) he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- (ii) he shall not leave India without the previous permission of the Court.

Disposed of accordingly.

(Rekha Mittal)
Judge

12.01.2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No