

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

Criminal Misc. No.M- 42403 of 2017(O&M)

Date of Decision: November 17 , 2017.

Rahul PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Deepshikha Chauhan, Advocate
for the petitioner.

Mr. Sanjay K.Saini, 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.

The petitioner prays for bail pending trial in FIR No.63 dated 22.02.2016 under Sections 363/366A/120B/212 IPC, registered at Police Station Sadar Sonapat, District Sonapat.

It is submitted that the petitioner has been falsely implicated in this case as the petitioner solemnized marriage with the daughter of the complainant on 17.02.2016 at New Delhi. The complainant himself has mentioned in the FIR that his daughter was 18 years and two months old at the time of the incident. The alleged victim was reported to be missing since 17.02.2016 and the abovesaid FIR was registered on 22.02.2016. The alleged victim was recovered

on 25.02.2016. Her statement under Section 164 Cr.P.C. (Annexure P1) was recorded on the same day. The victim has specifically stated in her aforesaid statement that she is 18 years old and solemnized marriage with the petitioner with whom she had friendly relations for the past five years. She has specifically stated that she did not wish to accompany her parents. Thereafter the victim as well as the petitioner were firstly lodged at the Safe House, Sonapat. The victim was subsequently lodged at Bal Gram, Rai pursuant to directions passed by the learned Judicial Magistrate First Class, Sonapat. The alleged victim is now residing with her parents since 20.01.2017. Final report under Section 173 Cr.P.C. in this case has been presented. Charge against the petitioner has been framed. The petitioner has been in custody since 08.12.2016. He is not involved in any other criminal case. Therefore, it is prayed that this petition be allowed.

Learned counsel for the State, on instructions from SI Satbir Singh, verifies that the final report under Section 173 Cr.P.C. has since been presented. Charge has been framed. Statement of the victim under Section 164 Cr.P.C. is not denied. It is affirmed that when the victim was recovered on 25.02.2016, the victim as well as the petitioner were firstly lodged at the Safe House, Sonapat thereafter, the victim was taken to Bal Gram, Rai. She is now living with her parents. The petitioner is not reported to be 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 before 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 filed by Rahul is allowed. The petitioner be released on bail pending trial subject to his furnishing bail bonds and surety to the satisfaction of the learned Trial Court.

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.

November 17 , 2017.
'om'

(**LISA GILL**)
JUDGE

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