

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

CRM-M No. 6631 of 2017(O&M)

Date of decision: 6.3.2017

Dharamender

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. S.S. Duhan, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No.378 dated 26.09.2016 registered with Police Station Sadar Jind, District Jind for offence punishable under Section 365 of the Indian Penal Code, 1860 (in short 'IPC') and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

Counsel for the petitioner has submitted that the FIR was lodged at the instance of father of the victim about her being enticed away. The girl was recovered and was produced before the Court for recording her statement under Section 164 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.'). It is further submitted that the girl was approximately 18 years of age at the time of occurrence and she voluntarily left the house and joined the petitioner and stayed with him for a number of days at different places but never raised any hue and cry. As a matter of fact, the petitioner and the girl performed marriage and certificate of marriage issued by Arya Samaj Vaidik Mandal, Delhi is Annexure P-3. Challan has

been presented in the Court and conclusion of trial is likely to take its own time.

Notice of motion.

Mr. Pawan Garg, AAG, Haryana accepts notice on behalf of respondent-State.

Counsel for the State has opposed the prayer for bail with the submission that the girl was less than 18 years of age being 17 years and 7 months old at the time of occurrence.

I have heard counsel for the parties and perused the records.

Statement of the prosecutrix recorded under Section 164 Cr.P.C. does not indict the petitioner for taking or enticing her from the guardianship of her father/parents. On completion of investigation, challan has been presented in the Court and conclusion of trial is likely to take some time. Without commenting upon merits of the case, the petitioner shall be released on bail subject to furnishing bail bonds to the satisfaction of the trial Court. However, he shall abide by the following conditions:-

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

MARCH 6, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no