

CRM-M No. 767 of 2017 (O&M)

Date of decision : January 18, 2017

Ankit

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Bijender Dhankhar, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 63 dated 22.02.2016 registered under Sections 363, 366-A, 120-B, 212 Indian Penal Code (for short 'IPC') at Police Station Sadar Sonapat, District Sonapat.

It is contended that there are different certificates regarding the date of birth of the victim. The only allegation against the petitioner is that he signed as a witness to the marriage which was solemnised by the victim with the co-accused Rahul Chauhan. It is further submitted that the victim suffered a statement before the Judicial Magistrate First Class, Sonapat on 09.12.2016 that she was 19 years old. Date of birth in the Birth Certificate is wrongly mentioned as 24.01.1999. Her date of birth is correctly mentioned as 24.01.1998 in marks sheet of 10th standard examination. She has further stated that she did not want to go to her parents home as her father and other family members were torturing her. In view of this statement, she was directed to be taken to Bal Gram, Rai. She is presently at the said Bal Gram.

The petitioner has been in custody since 03.12.2016. The report under Section 173 Cr.P.C. has been presented. Therefore, this petition should be allowed.

Learned counsel for the State, on instructions from ASI Naresh Kumar, Police Station Sadar Sonapat, affirms that the victim was directed to be taken to Bal Gram Rai pursuant to her statement before the Judicial Magistrate First Class, Sonapat on 09.12.2016. It is also verified that the report under Section 173 Cr.P.C. has been presented.

In view of the facts and circumstances as noted above, further incarceration of the petitioner is not called for.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. There are no allegations on behalf of the State that petitioner is likely to abscond or influence any of the witnesses, if released on bail.

Consequently, the petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

January 18, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No