

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

CRM-M No. 8423 of 2017(O&M)

Date of decision: 17.4.2017

Saurav @ Sorabh

....Petitioner

VERSUS

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. H.S. Sandhu, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. Arvind Kumar Yadav, Advocate for respondent No.2.

REKHA MITTAL, J.

The petitioner prays for grant of regular bail in FIR No.437 dated 06.12.2016 registered with Police Station Butana, District Karnal for offence punishable under Sections 363, 366-A of the Indian Penal Code, 1860 (in short 'IPC'); 4 of the Protection of Children from Sexual Offences Act, 2012 and 9, 10 of the Prohibition of Child Marriage Act, 2006.

Counsel for the petitioner has submitted that statement of alleged victim under Section 164 Cr.P.C. was recorded wherein she has deposed that she left her house with the petitioner and performed marriage according to her own will and came back to Nilokheri on 17.12.2016. It is further submitted that the petitioner has been remanded to judicial custody, therefore, no longer required for the purpose of investigation. It is further submitted that family of the petitioner and that of the alleged kidnapped girl have decided to perform their marriage, as per customs and rituals.

Counsel for the State has opposed prayer for bail with the submission that the alleged kidnapped girl was barely 16 years of age.

Counsel for the complainant concedes to the position that both the families have agreed for marital alliance of the petitioner and the alleged kidnapped girl. The petitioner has already been remanded to judicial custody, therefore, no longer required for the purpose of investigation. Challan has been presented in the Court and conclusion of the trial is likely to take its own time.

In view of the above, without meaning to express any opinion on merits of the case, the petitioner shall be released on bail subject to 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.

APRIL 17, 2017

‘D. Gulati’

(REKHA MITTAL)
JUDGE

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