

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

Crl. Misc. No.M-13599 of 2018

Date of decision : 02.08.2018

Raman Sharma

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Kamal Sharma, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

Mr. Aditya Sanghi, Advocate
for the complainant.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking regular bail in FIR No. 46 dated 02.08.2017, registered under Sections 376-2(N), 376-(2)(F), 450, 34 IPC and Section 3 of SC ST Act, Women Police Station Fatehabad, District Fatehabad.

Counsel for the petitioner submits that the present petition had been filed in March 2018 but later charge has been framed in May 2018 also under Section 6 of the POCSO Act which may be added.

Request allowed.

Counsel for the petitioner contends that the petitioner is in custody since 10.08.2017 and the prosecutrix has been examined. Counsel contends that as per the version given by the complainant, she was in a

relationship but she married Kamal but later she returned to her parent's house. The counsel says that an application under Section 319 Cr.P.C. was filed, which has been dismissed.

The prayer has been opposed by the counsel for the complainant as well as the State. It is stated that the charge was altered and Section 6 of the POCSO Act has been added in May 2018 as at the time of the incident in 2013, the girl was a minor. Counsel for the complainant has stated that there are other cases pending against the petitioner. It is also stated that since the charge has been amended, the victim will have to be examined again.

The complainant on her own has admitted to a relationship with the petitioner. She was married of by her parents against her wishes to someone else but a divorce took place in January 2017. It appears that after that the petitioner refused to marry her and the complaint was lodged where she refers to incident of 2013.

The application filed under Section 319 Cr.P.C. has been dismissed. The charge has been amended. It would amount to reopening of the trial. The trial will take time to conclude. Without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Duty Magistrate, subject to the condition that the petitioner will not contact the victim or her family in any manner.

02.08.2018
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No