

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

CRM-M-30835-2018 (O&M)

Date of Decision: 01.11.2018

Jamshed

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Kunal Dawar, Advocate
for the petitioner(s).

Mr. Arun Kumar, AAG, Haryana.

ANITA CHAUDHRY, J

Petitioner is seeking regular bail in FIR No.10 dated 06.01.2018 registered under Sections 363 & 366A IPC (Section 4 of POCSO Act added later on) at Police Station Sector 55, District Faridabad, Haryana. Report called from the Court below has also been received.

Learned counsel for the petitioner contends that the prosecutrix and the petitioner performed Nikahnama on 04.01.2018, then they approached the High Court for protection and protection was granted on 10.01.2018. Counsel submits that the petitioner arrested on 08.05.2018 and the girl refused to get her medical done and refused to go to her parents and was taken to the shelter home and thereafter, she returned home. Counsel submits that in the statement made under Section 164 Cr.P.C. she had made a favourable statement in favour of the petitioner. Subsequently, while

appearing in the witness-box, she makes allegations of rape against the petitioner, his brother-in-law and she named two other persons and now an application under Section 319 Cr.P.C. has been filed and the trial would take longer. The petitioner has placed on record the statement made by the victim and the application filed under Section 319 Cr.P.C.

Learned State counsel informs that petitioner is a married man and had enticed the minor.

Counsel for the petitioner contends that their religion allows four marriages and the prosecutrix had attained the majority of puberty.

The statement of the prosecutrix had been recorded but she has named some more persons and an application under Section 319 Cr.P.C. has been filed and the trial would now get delayed.

Considering the factual aspects, petition is allowed. Petitioner is ordered to be released on bail on his furnishing surety and adequate bail bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate with a condition that he would not approach the complainant and his family members including the prosecutrix.

November 01, 2018
ps-I

(ANITA CHAUDHRY)
JUDGE

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