

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

CRM-M-38740-2018

Date of decision: 11.09.2018

Bittu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ashwani Gaur, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 131 dated 10.05.2018 under Sections 363, 366-A, 506/34 IPC, registered at Police Station PGIMS, Rohtak, District Rohtak.

Learned counsel appearing on behalf of the petitioner would contend that the prosecutrix who is a major has given a statement under Section 164 Cr.P.C. before the Divisional Judicial Magistrate 1st Class stating that she had left her home voluntarily and there was no pressure that was exercised upon her. It is argued that in her statement, the prosecutrix has stated that she had voluntarily married the petitioner herein and would like to reside with him. In this background, he prays for grant of bail to the petitioner.

Ms. Gaganpreet Kaur, learned AAG, Haryana opposes the grant of regular bail while submitting that challan has been presented and the allegations against the petitioner are serious in nature. However, she does not dispute the fact that a statement under Section 164 Cr.P.C. has been made by the prosecutrix before the Divisional Judicial Magistrate 1st Class in which she has stated that she had left her home voluntarily and there was no pressure that was exercised upon her. She had voluntarily married the petitioner herein and would like to reside with him.

I have heard learned counsel for the parties.

In view of the fact that a statement under Section 164 Cr.P.C. has been made by the prosecutrix before the Divisional Judicial Magistrate 1st Class stating that she had left her home voluntarily and there was no pressure that was exercised upon her. She also stated that she had voluntarily married the petitioner herein and would like to reside with him. There would be no useful purpose served in keeping the petitioner in custody. The trial is likely to take some time. The present petition is allowed. Without expressing any opinion on merits of the case, the petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel

his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.

(iii) He shall not leave the country without the previous permission of the Court.

11.09.2018

(JAISHREE THAKUR)
JUDGE

Satyawan

Whether speaking/reasoned

Yes.

Whether reportable

No.