

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-40286 of 2018

Date of Decision: 27.11.2018

Chandan Kumar Sharma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Harjinder Singh Mavi, Advocate
for the complainant.

ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No. 555 dated 13.10.2017 registered at Police Station Palam Vihar, District Gurugram under Sections 363, 366-A IPC and Section 6 of POCSO Act.

Counsel for the petitioner contends that the FIR was lodged after two days and the victim was over 17 years of age and they have placed on record copy of the Aadhar Card according to which her age was over 18 years and in her statement under Section 164 Cr.P.C., she had admitted to the relationship and was pregnant and lived with the petitioner for two months. Counsel further submits that they had produced the marriage certificate on the last date of hearing. The counsel has placed on record the statement made by the victim.

The prosecutrix has been examined. She has supported the prosecution version but in the first statement, she had made a different statement. The petitioner had produced the marriage certificate. The petitioner is in custody for over 11 months. The age of the girl will have to be determined by the trial Court. The trial would take time.

It is stated that the petitioner is living in the neighbourhood and was a tenant.

In these circumstances and without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate with the condition that he will move out of the colony and will not stay in the neighbourhood and will also not contact the prosecutrix.

(ANITA CHAUDHRY)
JUDGE

November 27, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No