

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

Criminal Misc. No.M- 45973 of 2017(O&M)

Date of Decision: January 19 , 2018.

Vicky PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

Mr. Sanjay K.Saini, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

CRM No.1726 of 2018

Annexure P5 i.e., copy of the statement of the victim before the learned trial court is taken on record subject to just exceptions. Exemption from filing certified copy thereof is dispensed with.

Misc. application is disposed of.

CRM No.M-45973 of 2017

The petitioner prays for bail pending trial in FIR No.51 dated 23.05.2017 under Sections 363/366A IPC and Section 9 of the Prohibition of Children Marriage Act, 2006, registered at Police Station Titram.

It is submitted that the petitioner has been falsely implicated in the aforementioned FIR registered at the instance of father of the victim. The petitioner and the alleged victim in this case had friendly relations and solemnized marriage. The victim in her statement under Section 164 Cr.P.C. (Annexure P3) specifically stated that she solemnized marriage with the petitioner out of her own free will and wanted to live with him. An apprehension of threat to her life at the hands of her maternal uncle was expressed. It is submitted by learned counsel for the petitioner that the victim in her testimony before the learned trial court has also reiterated the factum of her marriage with the petitioner as well as threat to her life at the hands of her parents, maternal uncle and other relatives. The petitioner, it is submitted, is not involved in any other criminal case and undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the State is unable to deny that statement of the victim under Section 164 Cr.P.C. as well as her testimony before the learned trial court recorded on 20.12.2017 (Annexure P5). Learned counsel for the State, on instructions from ASI Karambir, informs that the victim in this case is presently lodged at Nari Niketan, Karnal. The petitioner is not reported to be involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition

filed by Vicky is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

January 19 , 2018.
'om'

(LISA GILL)
JUDGE

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