

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

CRM-M No.49880 of 2018

Date of decision: 20th November, 2018

Ravi Dass

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sumeet S. Brar, Advocate for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Ravi Dass in this first regular bail application filed under Section 439 Cr.P.C. in case FIR No.0169 dated 31.05.2018 registered at Police Station Rania, District Sirsa under Sections 363, 366-A IPC, are to the following effect:-

The present case was got registered by complainant Ram Saroop, whose daughter aged around 17 ½ years during the intervening night of 29th and 30th May, 2018 eloped with the petitioner and was subsequently got recovered on 23.06.2018. The girl in her statement made before the Judicial Magistrate has shown her resolve to marry the petitioner and refused to accompany her parents. The petitioner was arrested in this case on 24.06.2018.

Learned counsel for the petitioner contends that it is a case of consensual relationship as the girl is nearing 18 years of age and has, on her own volunteered and eloped with the petitioner and there is no

allegation of commission of any heinous offence and the girl is bent upon entering into a wedlock with the petitioner and that the petitioner is behind bars since more than five months and thus, prays for grant of bail to the petitioner.

Learned State counsel on instructions from ASI Rajender Singh has sought to oppose the same on the grounds that though the petitioner is a little above 17 ½ years of age but in view of the fact that she still is a minor and in view of the heinousness of the offence and seriousness of allegations disentitles the petitioner of any relief.

Going through the submissions of the two sides, it is the own stand of the complainant that the girl has volunteered and eloped with the petitioner and even in her statement under Section 164 Cr.P.C. before the learned Judicial Magistrate, the girl has shown her resolve to go with the petitioner and refused to accompany her parents. Petitioner is behind bars since a long time. Investigations and the trial will take a long time to conclude. In view thereof, this Court is of the opinion that further detention of the petitioner in the present case will serve no useful purpose. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Sirsa.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

November 20, 2018

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No