

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

CRM M-5970 of 2019

Date of Decision: March 28, 2019

Ajay Kumar

.....Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off first regular bail application under Section 439 Cr.P.C. moved in FIR No. 216 dated 05.10.2018 under Section 346 IPC and later on added Section 376 IPC registered at Police Station Sector 14, Panchkula.

The brief allegations are that the daughter of the complainant-Raj Kumar went missing on 04.10.2018 and subsequently, on his statement, the present FIR was got registered on 05.12.2018. It was on the statement of the girl made under Section 164 Cr.P.C. the petitioner was arrested on 12.10.2018.

Mr. Vikram Rathore, learned counsel for the petitioner contends that the prosecutrix was a major at the time of the alleged occurrence and had been in a consensual relationship with the petitioner and volunteered to leave her home at her own. He has placed reliance on the affidavit of the girl (Annexure P-2) and produced the girl before this Court, who has been identified by him. Complainant-Raj Kumar, has been identified by ASI Pardeep Kumar, whose duly sworn affidavit has also been placed on record giving “No Objection” if the accused is allowed bail.

Mr. Amrik Narwal, DAG, Haryana on instructions from ASI Pardeep Kumar though does not dispute the facts brought to the notice of this Court by the learned counsel for the petitioner though readily concedes that the girl at the time of alleged occurrence was major.

Heard.

The complainant as well as prosecutrix had appeared before this Court and filed their affidavits vouching for the fact that they do not oppose the grant of bail to the petitioner as the parties intend to undergo marriage. Thus, in the light of this stand, without feeling the necessity to further advert on the merits, this Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

March 28, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No