

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

CRM-M No.9242 of 2019

Date of decision: 14th March, 2019

Rahul

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Kunal Dawar, Advocate for the petitioner.

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

Mr. Ram Darshan Yadav, Advocate for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Rahul in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.100 dated 29.04.2018 under Sections 363, 366, 342, 376-D, 506, 34 IPC pertaining to Police Station Kasola, District Rewari, have been levelled by Karan Singh complainant, father of a girl aged between 19-20 years. In his allegations, the complainant alleges that on 23.04.2018 his daughter had gone missing at morning time and subsequently upon search they came to know that the petitioner was instrumental in her enticement, leading to registration of the present case and arrest of the petitioner on 04.10.2018.

Learned counsel for the petitioner Mr. Kunal Dawar, Advocate inter alia contends that the petitioner and the girl are major and had entered into a wedlock and has sought to seek support from marriage

certificates (Annexures P3 and P4) arguing further that the petitioner is behind bars for the last almost five months and that the trial is not likely to conclude in the near future.

On behalf of the State, Mr. Ripudaman, Asstt. Advocate General, Haryana on instructions from ASI Mukhtiar Singh though could not displace the facts brought to the notice of this Court by learned counsel for the petitioner but has opposed the grant of bail on the grounds of heinousness of the offence.

Heard.

The fact that the girl (the victim) and the boy (present petitioner) were major at the time of alleged occurrence and as per the own stand of the complainant, father of the girl, she disappeared from her house in the morning time and the documents (Annexures P3 and P4) show marriage between the two and its registration by the competent authority. The same could not be displaced by learned State counsel. Even the learned counsel for the complainant could not convince this Court if this marriage has been challenged or not. Thus, a debatable issue arises over the applicability of sections 363, 366, 376 and 506 IPC. Petitioner is behind bars since a long time and the trial is not likely to conclude in the near future. Thus, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Rewari.

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

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

March 14, 2019

rps

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