

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM M-15503 of 2019

Date of Decision: April 09, 2019

Bijender

.....Petitioner

Versus

State of Haryana

.... Respondent

**CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present : Mr. Pawan Kumar Hooda, Advocate  
for the petitioner.

Ms. Dimple Jain, Asstt. A.G., Haryana.

**FATEH DEEP SINGH, J. (Oral)**

The allegations against petitioner-Bijender in this first regular bail application moved in FIR 664 dated 22.07.2018 initially registered under Section 365 IPC and later on Section 365 IPC has been deleted and challan has been presented under Sections 363 and 366-A IPC at Police Station Model Town, Panipat have come about by complainant Kareema close relation of a girl aged as per the birth certificate around 14 years, as per the own stand of the complainant she is 16 years old and as per the Aadhaar card her age is 20 years and alleging that the victim who was residing with them for the last 1½

years on 20<sup>th</sup> July, 2018 left the home without informing them leading to the registration of the present case. It was subsequently on 30.07.2018, the petitioner was arrested and leading to recovery of the girl.

Mr. Pawan Kumar Hooda, learned counsel for the petitioner *interalia* contends that the stand of the girl before the authorities in her statement under Section 164 Cr.P.C. clearly states that she has undergone marriage with the petitioner and there is no medical evidence to show that the girl was ever misused. It is submitted that the age of the girl is under dispute, as per Aadhaar card her age is 20 years. Arguing further that the petitioner is behind the bars and that the trial is not likely to be concluded in near future and prayed for grant of bail.

Ms. Dimple Jain, Asstt. A.G., Haryana on instructions from ASI Dalbir Singh does not displace the facts brought to the notice of the Court but has reiterated the stand of the prosecution that the age of the girl at the time of commission of the offence was 14 years but has duly conceded that the girl in her stand under Sections 161 Cr.P.C. and 164 Cr.P.C. has detailed that she has undergone marriage with the petitioner on her own and want to reside with him as his wife.

Appreciating the submissions, a debatable issue arises over the age of the victim and it can only be adjudicated at the trial. It is the own stand of the girl throughout the investigation both under

Section 161 Cr.P.C. as well as under Section 164 Cr.P.C. before the police and 164 Cr.P.C. before the Chief Judicial Magistrate, Panipat show her resolve to live with the petitioner with whom she had undergone solemnization of marriage.

The petitioner is behind the bars since long time together with the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future and no useful purpose will be served by keeping the petitioner behind the bars, 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.

**April 09, 2019**  
**amit rana**

**(FATEH DEEP SINGH)**  
**JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No