

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-M-17358-2019

Date of Decision:13.05.2019

Rinku

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Sartaj Singh Thakur and
Mr. Nitin Mittoo, Advocates,
for the petitioner.**

Ms. Mahima Yashpal, A.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.959 dated 24.09.2018 under Sections 363, 366-A IPC and Section 6 of the POCSO Act, 2012, registered at Police Station Model Town, Panipat, District Panipat.

Learned counsel for the petitioner has argued that the petitioner has solemnized marriage with Tanu, daughter of the complainant and accordingly, the parties had approached this Court by way of **CRM-M-42380-2018 (Tanu and another Versus State of Haryana and others)** and were granted protection vide order dated 15.02.2019. Since the complainant was not happy with the aforesaid marriage, the present FIR has been registered against the petitioner. Petitioner is in custody since 12.03.2019.

Even otherwise, age of the alleged victim is more than 18 years as per

Aadhar Card as well as the medical record.

Learned State Counsel, on instructions from ASI Ranbir, does not dispute the custody period. However, she states that date of birth of the victim is 05.03.2002, whereas the alleged marriage took place on 24.09.2018 and on the relevant date, the victim was about 16½ years of age. She further states that the victim being minor and even if she has consented for the marriage, that is no consent in the eyes of law and the victim as on date is pregnant.

Heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 12.03.2019 and trial in the case is not likely to be concluded in the near future. However, considering the statement of the prosecutrix recorded under Section 164 Cr.P.C., wherein she has stated that she has solemnized the marriage with the petitioner-Rinku at her own wish and has taken protection from this Court vide order dated 15.02.2019 passed in CRM-M-42380-2018, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, the observations made hereinabove shall not be construed as an expression on the merits of the case. The trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

May 13, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No