

CRM-M-16996-2019

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

**CRM-M-16996-2019.
Decided on: August 21, 2019.**

Rohit

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

*** * ***

**PRESENT Mr.Ajay Pal Singh Rehan, Advocate, for
Mr.Mohit Jaggi, Advocate,
for the petitioner.**

Ms.Gaganpreet Kaur, AAG, Haryana.

**Mr.Ashit Malik, Advocate,
for the complainant.**

HARI PAL VERMA, J. (ORAL)

Prayer in the present petition filed under Section 439
Cr.P.C. is for the grant of regular bail in FIR No.0002 dated 2.1.2019, under
Sections 363 and 366-A IPC as well as under Section 4 of the Protection of
Children from Sexual Offence (POCSO) Act, 2012, registered at Police

CRM-M-16996-2019

Station, Shahabad, District Kurukshetra.

Learned counsel for the petitioner states that the petitioner and the prosecutrix have solemnized the marriage on 1.1.2019 and they have sought protection from this Court by way of CRM-M-116-2019, titled as “Meenakshi and another Vs. State of Haryana and others”, which was disposed of vide order dated 4.1.2019.

The petitioner is in custody since 8.3.2019. The trial will take sufficient long time as only 7 prosecution witnesses have been examined out of total 19 witnesses cited by the prosecution.

Learned counsel for the petitioner has referred to judgment 2015 (27) R.C.R. (CrL) 497, titled as “*Sunil Mahadev Patil Vs. State of Maharashtra*”, to contend that offence of rape can be distinguished on the basis of intention of the accused where the prosecutrix was a minor girl of 15 years and accused 20 years of age. In the case, the prosecutrix has stated that she was in love with the accused and had gone with the accused of her own and they got married and lived together as husband and wife and accordingly, this was mitigating circumstance for the grant of bail.

Learned counsel appearing on behalf of the complainant has argued that strict proof of marriage is required and in the case in hand, the marriage was not in consonance with the provisions of Hindu Marriage Act

I have heard learned counsel for the parties.

In view of the fact that the prosecutrix is a girl of about 16 years and 11 months as her date of birth is stated to be 25.2.2002,

petitioner is in custody since 8.3.2019 and the trial is not likely to be concluded in near future, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court with a condition that the petitioner will not influence the witnesses in any manner, and he shall not stay in the vicinity in which the girl is residing.

August 21, 2019.
raj arora

	(HARI PAL VERMA)
	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No