

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

CRM-M No.40196 of 2018
Date of decision: 29th January, 2019

Vijay

... Petitioner

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Gautam Kaile, Advocate for
Mr. R.K. Dhaniya, Advocate for the petitioner
Mr. Amrik Narwal, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Vijay (also referred to as 'Vijay Pal') in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.227 dated 11.04.2018 under Sections 366-A, 376(2) IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Samalkha, District Panipat, are as follows:-

Present case has been got registered by the mother of a girl, then aged around 17 years, alleging that her daughter aged around 18 years had run away and subsequently on the basis of which, the present case was got registered and the girl appeared before the police authorities on 29.08.2018 along with the petitioner leading to arrest of the petitioner.

Mr. Gautam Kaile, Advocate representing the petitioner submits that the petitioner and respondent No.2 have married against the

wishes of their parents and as per the allegations in the FIR the girl at the time of marriage was aged 18 years and thus a major, and have sought to place reliance on the affidavit of the girl dated 15.10.2018 to hammer home the point that the couple is husband and wife and prayed for grant of bail.

On behalf of the State, Mr. Amrik Narwal, learned Deputy Advocate General, Haryana on instructions from ASI Anil Kumar, Police Station Samalkha, District Panipat though has sought to point out on the age of the girl which has come in the investigations but concedes the fact that the couple has married and has been bestowed with a male child.

Appreciating the submissions of the two sides, the affidavit filed by the girl and the fact that the girl as per the claim of her mother in the FIR was a major at the time of this occurrence and that the couple is residing together having a kid born out of it and that the petitioner is behind bars since a long time, impels this court to hold that this is a fit case to allow bail to the petitioner in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Panipat.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

January 29, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No