

CRM-M-23938-2019

Date of Decision : 29.05.2019

Amit @ Sonu

.....Petitioner

versus

State of Haryana and another

....Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Vikram Rathore, Advocate
for the petitioner.Mr. Amrik Narwal, DAG, Haryana
for respondent No.1-State.**FATEH DEEP SINGH, J. (ORAL)**

This order shall dispose off first regular bail application under Section 439 Cr.P.C in a case bearing FIR No.95 dated 26.02.2019 filed under Sections 363-A and 366 of the Indian Penal Code and Section 9 of the Prohibition of Child Marriage Act, 2006 registered at Police Station City Tohana, District Fatehabad.

The allegations levelled against petitioner-Amit @ Sonu, in this case by respondent No.2, father of the minor girl, who is aged around 17 years and 04 months are that on 25.02.2019, the victim had vanished from her home and subsequently transpired that the petitioner has enticed and taken her away and both of them had undergone a marriage.

Learned counsel for the petitioner *inter alia* argues that the boy and the girl were in a relationship and had married against the wishes of family members and that the petitioner is behind the bars since 10.03.2019

and the trial is not likely to be concluded in the near future.

On behalf of the State, the learned State counsel, on instructions from, ASI Ravinder Kumar, Police Station City Tohana, has not controverted the facts that has been canvassed at the bar by learned counsel for the petitioner but has sought to oppose the grant of bail and submits that there is every likelihood that the petitioner, if allowed bail, would interfere with the investigations and the trial.

As is there on the records, the petitioner and the victim had initially filed CRM-M-9026-2019 before this Court wherein specific stand of having undergone a marriage being adults, has been taken and which fact could not be controverted by the learned State counsel.

Be so as it is there, the petitioner is behind the bars for more than 02 months, thus, culpability, if any, shall be determined at the trial, this Court is of the opinion that it would serve no useful purpose to further detain the petitioner in custody. Accordingly, he is ordered to be released on regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Illaqa Magistrate of the Court concerned.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

29.05.2019
Neha

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No