

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-27372 of 2019
Date of Decision: July 08, 2019

(1) SarojPetitioner

Versus

State of Haryana Respondent

CRM M-26865 of 2019

(2) Vikram and anotherPetitioners

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Sachin Gupta Ladwa, Advocate
for the petitioner in CRM M-27372 of 2019.

Mr. S.S.Dinarpur, Advocate
for the petitioners in CRM M-26865 of 2019.

Mr. Ripu Daman, AAG, Haryana assisted
by ASI Kiran, P.S. Women, Kurukshetra.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off above detailed anticipatory

bail applications under Section 438 Cr.P.C. moved in FIR No. 20 dated 29.03.2019 under Section 4 of POCSO Act, 2012 and Sections 9/10 of Child Marriage Act, 2006 at Police Station Women, Kurukshetra.

Since both these anticipatory bail applications have arisen out of the same very FIR, they are being taken up together and disposed off by a common order.

The present case was got registered by the complainant-Shagun (daughter of accused/petitioner Saroj) who claims that her date of birth is 04.10.2001 and has alleged that her marriage has been solemnized with Aman Kumar, who happens to be the son of accused/petitioners Vikram and Neelam. The complainant alleged that during the course of matrimony while she was a minor, her husband in connivance with co-accused including the present petitioners have defiled her against her wishes leading to the registration of the present case.

Heard Mr. Sachin Gupta Ladwa, Advocate and Mr. S.S. Dinarpur, Advocate for the petitioners and Mr. Ripu Daman, AAG, Haryana.

Learned counsel for the petitioners have argued that it was a consensual marriage by the mother of the complainant accused/petitioner Saroj and that it was on account of extra marital affair of the complainant with one Vishal and on whose behest the

present case was got falsely registered to undo the effects of this marriage arguing that the complainant in her statement under Section 164 Cr.P.C. has claimed before the learned Judicial Magistrate 1st Class on 30.03.2019 that she has given the complaint under misconception and there is no truth in her allegations earlier levelled and, therefore, prayed for grant of relief.

Mr. Ripu Daman, AAG, Haryana assisted by ASI Kiran, Police Station Women, Kurukshetra though readily accepts the facts that have been brought to the notice of this Court but have opposed the grant of the bail on the grounds that the girl at the time of the marriage was a minor.

Going through the submissions, learned State counsel could not convince by any documentary means that the girl at the time of this marriage or the alleged occurrence was a minor. The own stand of the complainant before the learned Judicial Magistrate 1st Class that she has given the complaint under mis-conception and there is no truth in these allegations together with the fact that nothing is to be recovered from the petitioner.

In the light of what has been detailed and discussed above, together with the fact that culpability, if any, of the petitioners shall be determined at the trial which is not likely to be concluded in the near future. Therefore, in the event of arrest, the petitioners be released on *interim* bail to the satisfaction of Arresting/Investigating

Officer. The petitioners shall, however, join the investigation as and when called for to do so and they shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. Thereafter, will be released on regular bail upon presentation of challan.

Disposed off.

July 08, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No