

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-29034 of 2019
Date of Decision: 16.7.2019

Rangesh Mishra

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Vijay Dahiya, Advocate
for the petitioner (s).

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.

The present petition has been filed under Section 439 Code of Criminal Procedure (in short, “Cr.P.C”.) for grant of regular bail to the petitioner in case FIR No.371 dated 25.8.2018 registered for the offences punishable under Sections 363, 366-A of Indian Penal Code (for short, “IPC”) at Police Station Rai, District Sonapat.

Heard.

Learned counsel for petitioner submits that the prosecutrix had suffered a statement on 12.9.2018 before the Judicial Magistrate, Sonapat (Annexure P-4) wherein she has stated her age as 20 years and she had now married with the petitioner with her free will and she wanted to stay with him.

On the other hand, learned State counsel has submitted that the age of the prosecutrix is only 15 years as her date of birth is 2.3.2004. He

radiological age of the prosecutrix comes to between 18 to 19 years vide Annexure P-3 and as per her aadhar card, her date of birth is shown as 1.2.1998.

Learned counsel for the petitioner submits that the birth certificate was got entered only on 21.7.2017 and this was not the true one.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Rangesh Mishra son of Shri Brikh Raj Mishra is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the prior permission of the Court.

July 16, 2019

Paritosh Kumar

(RAJ SHEKHAR ATTRI)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No