

241.

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

**CRM-M-35995-2019**

Date of decision: 22.10.2019

NEERAJ KUMAR

... Petitioner

versus

STATE OF HARYANA

.... Respondent

**CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA**

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Present: Mr. Bhavdeep Singh Mamli, Advocate,  
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

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**HARI PAL VERMA, J. (Oral)**

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.435 dated 23.05.2019 registered under Sections 363 & 366-A of IPC at Police Station City Thanesar, District Kurukshetra.

Counsel for the petitioner while referring to the statement made by the prosecutrix under Section 164 Cr.P.C., states that the prosecutrix and the petitioner were known to each other for the last more than 2 years and it is the prosecutrix who forced the petitioner to take him to Delhi, even though the petitioner had refused for this. They boarded a bus from the new Bus-Stand for Delhi. The petitioner made her understand that they will marry only when she attains the age of 18 years and that too, with the consent of the parents. He further states that the prosecutrix has also submitted that the petitioner has never forced her to do anything. The

petitioner is in custody since 24.05.2019. As on date, the prosecutrix is with her parents.

Learned State counsel does not dispute the custody. However, he states that the prosecutrix was not medically examined as she refused for such examination.

I have heard counsel for the parties.

Considering the fact that the prosecutrix in her statement under Section 164 Cr.P.C. has not supported the case of the prosecution and she has not opted the medical examination coupled with the fact that the petitioner is in custody since 24.05.2019 and trial in the case is not likely to be concluded in the near future, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

**(HARI PAL VERMA)**  
**JUDGE**

22.10.2019

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Whether speaking/reasoned  
Whether Reportable:

Yes/No.  
Yes/No.