

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-56049 of 2018 (O&M)
Date of decision : May 08, 2019

Satbir Singh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Vikram Sheoran, Advocate, for the petitioner
Mr. Baljinder Virk, DAG, Haryana for the State

Fateh Deep Singh, J. (Oral)

Petitioner Satbir Singh, accused has sought this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No. 144 dated 7.6.2018 under Sections 346 IPC, later on added Sections 363, 366-A, 328, 468, 471 IPC; Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of the Children Marriage Prohibition Act, 2006, Police Station Chandimandir, District Panchkula filed before this Court. The FIR has been got registered by Rajwinder Singh father of the girl victim.

In his statement, the complainant alleges that on 1.6.2018 her daughter has left house without informing and they had tried to trace her out but to no avail and it is subsequent thereto, the present case was got

registered and it transpired that the petitioner and the girl had eloped and underwent marriage leading to arrest of the petitioner on 29.7.2018 and the girl was got recovered from his custody.

Mr. Vikram Sheoran, learned counsel for the petitioner submits that the girl is a major and has volunteered into this relationship and placed on record five photographs to this effect in which even the mother of the girl figures. It is further contended by the counsel for the petitioner that the couple having undergone this marriage against the wishes of the complainant and had on 2.8.2018 secured protection orders from the court of learned Additional Sessions Judge, Moga by placing reliance on Annexure P/2.

Mr. Baljinder Virk, DAG, Haryana on instructions from ASI Jog Dayal, Police Station Chandimandir, District Panchkula has sought to oppose the grant of relief on the grounds that girl in her statements under Sections 161 Cr. P.C. as well as 164 Cr.P.C. had levelled allegations against accused petitioner for having enticed and duped her into this marriage and the medical evidence fully corroborates the same.

Appreciating the submissions, the protection orders Annexure P/2 coupled with the photographs placed on record and the fact that the petitioner side claims that the girl was a major whereas on behalf of the State she is stated to be around 17 years of age. Thus, in the light of this, a debatable issue arises over the very intent of this relationship and which can

only be adjudicated at the time of trial. The petitioner admittedly is behind the bars for almost nine months and the trial is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Panchkula.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

May 08, 2019
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>