

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-50267-2019 (O&M)
Date of Decision:-9.12.2019

Vijay	Versus	... Petitioner
State of Haryana		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arun Sharma, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana,
assisted by SI Rajesh Kumar.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.802 dated 10.8.2018 at Police Station Chandnibagh, District Panipat under Sections 363 and 366 of Indian Penal Code, wherein offences under Sections 342, 376 and 506 of Indian Penal Code were added lateron.
2. The FIR was lodged at the instance of Ms. Babli, wherein it has been alleged that her daughter aged 22 years left home on 24.7.2018 in the morning without disclosing anything and did not return back. It is alleged that the complainant suspected that her daughter had been enticed away by Vijay Singh (petitioner) with an intention to marry her.
3. The learned counsel for the petitioner has submitted that admittedly the complainant's daughter is a major and infact she had left her house out of her

free will and had solemnized marriage with the petitioner. The learned counsel, in this regard, has drawn the attention of this Court to photographs of the petitioner and the complainant's daughter annexed with the petition as Annexure P-3, which look to be that of some marriage ceremony.

4. Opposing the petition, the learned State counsel has submitted that it is a case where the complainant's daughter was forced to marry the petitioner as would be evident from the statement of the complainant's daughter recorded in terms of Section 164 Cr.P.C. and that in these circumstances, no case for grant of bail is made out. The learned State counsel has also submitted that the victim is presently residing with her parents. It has, however, been informed that although challan has been filed and charges have been framed but till date not even a single PW out of the cited 21 PWs has been examined.
5. Having regard to the facts and circumstances of the case and bearing in mind that it is a case where the complainant's daughter is a major and apparently had left her home voluntarily, it will certainly be debatable as to whether she was forced to marry to petitioner or as to whether she solemnized marriage out of her own free will. In any case, since challan already stands presented and conclusion of trial is likely to take some time as not even a single PW out of the cited 21 PWs has been examined, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9.12.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No