

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-56567 of 2018 (O&M)
Date of decision : January 15, 2019

Mohanjeet alias Monu

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Amit Kumar Walia, Advocate, for the petitioner
Mr. Amrik Narwal, DAG Haryana for the State

Fateh Deep Singh, J. (Oral)

This order shall dispose of second regular bail application of accused Mohanjeet alias Monu the earlier having been dismissed by this Court vide orders dated 12.10.2018, filed in case FIR No. 98 dated 7.5.2018, under Sections 346, 363, 366-A IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, Police Station Sadar Narwana, District Jind.

The brief allegations of the prosecution brought to the notice of the Court are that the present case was got registered by Rajbir-complainant father of un-married girl aged 17 years 4 months alleging that his daughter eloped with the petitioner leading to the registration of the present case and

arrest of the petitioner on 14.5.2018.

Mr. Amit Kumar Walia, counsel for the petitioner contends that the couple had fell in love and have solemnized marriage and has sought to harbour on the statement under Section 164 Cr.P.C. of the girl recorded on 9.5.2018 before the learned Judicial Magistrate Ist Class whereby she has shown her resolve that she has married the petitioner and has even refused to get herself medically examined arguing that the petitioner is behind the bars since long time.

On behalf of the State, Mr. Amrik Narwal, DAG, Haryana assisted by ASI Krishan Kumar, Police Station Sadar Narwana, District Jind has sought to oppose the bail on the grounds that the girl is a minor and has been enticed, taken away and married by the petitioner and that the trial is under-way and if allowed bail would stifle the trial.

Appreciating the submissions, the factual scenario is not displaced by the learned State counsel to the effect that the couple has since entered into a wedlock which has not been challenged till date in any court of law. The stand of the girl before the court in her statement under Section 164 Cr.P.C. and the fact as has been contended by the counsel for the petitioner that she has resiled of her stand before the trial court in her testimony and has shown her resolve that she is married to the petitioner. The petitioner is behind the bars since long. Without adverting to the merits, keeping in view that the trial is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail and

culpability, if any, shall be determined at the trial. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Jind.

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.

January 15, 2019

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No