

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

CRM-M-53629 of 2019.

Decided on:- December 19, 2019.

Sunny.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. K.L. Saini, Advocate
for the petitioner.

Mr. B.S. Virk, D.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.160 dated 25.07.2019 under Sections 363 and 366-A IPC read with Section 34 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Uchana, District Jind.

Learned counsel for the petitioner has argued that the petitioner is in custody since 27.07.2019. The main accused in the case is Som Nath, who has solemnised marriage with Sonia daughter of the complainant. Sonia and Som Nath had approached this Court seeking protection to their life and liberty by way of ***CWP No.20628 of 2019*** titled as ***Sonia and another Versus State of Haryana and others*** as Sonia had solemnised marriage with Som Nath against the wishes of her parents. The petitioner is first cousin of Som Nath being his maternal uncle's son.

Learned State counsel, on instructions from SI Krishan Kumar, does not dispute the custody of the petitioner. However, he states that the petitioner has actively participated in the commission of crime and the prosecutrix while making her statement under Section 164 Cr.PC has named the petitioner.

I have heard learned counsel for the parties.

The petitioner is cousin of main accused Som Nath. He is in custody since 27.07.2019 and the trial is not likely to be concluded in near future. This Court finds that the culpability of the petitioner is yet to be decided during the trial and no useful purpose would be served by keeping him in custody.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 19, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No