

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109+213

CRM-M-53697-2018(O&M)

Date of Decision:30.01.2019

Kamal

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Gagandeep Toni, Advocate,
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

CRM-45527-2018

Prayer in this application filed under Section 482 Cr.P.C. is for placing on record copy of the order dated 18.05.2018 passed in CRM-M-2867-2018.

Application is allowed as prayed for. Copy of the order dated 18.05.2018 is taken on record.

CRM-M-53697-2018

Prayer in this 2nd petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner-Kamal son of Sandeep in FIR No.194 dated 31.07.2017 under Sections 363, 366-A, 34 IPC and Section 9 of Child Marriage Act, registered at Police Station Israna, District Panipat.

Learned counsel for the petitioner states that the petitioner is in custody since 20.08.2017. He refers to the statement of the victim dated 20.08.2017 made by her under Section 164 Cr.P.C. The victim has also approached this Court for the grant of protection on the basis of marriage solemnized between them vide **CRM-M-29664-2017 (Saneha and another Versus The State of Haryana and others)**. He states that at the time when the parties approached this Court to seek protection on account of having solemnization of marriage, the victim has stated that she is 19 years of age. On this basis protection-petition was filed by the parties who were known to each other since long.

Learned State Counsel on instructions from SI Ravinder Kumar states that as per ossification test conducted, age of the victim is between 15 to 17 years. She was minor at that time of filing protection-petition. Therefore, her consent for filing joint petition seeking protection is immaterial.

I have heard learned counsel for the parties.

In the statement under Section 164 Cr.P.C., the victim deposed that she knew the petitioner when she was about 02 years of age. Her mother had expired and she was staying with her aunt (Bua). The fact as to whether she is minor or of marriageable age is yet to be adjudicated during the course of trial, more particularly, when at the time of filing protection-petition, she had projected herself as of marriageable age. Since the petitioner is in custody since 20.08.2017 and trial in the case will take sufficient long time, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, the petitioner shall not influence the complainant, victim or any other witnesses directly or indirectly.

January 30, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No