

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M No.487 of 2020

Date of Decision:11.02.2020

Rehan

...Petitioner

Vs

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Munish Behl, Advocate
for the petitioner.

Ms. Trishanjali Chopra, AAG, Haryana.

Mr. Jagjot Singh, Advocate for
Mr. Kunal Dawar, Advocate
for respondent No.2.

-.-

JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C for grant of regular bail in case FIR No.229 dated 07.07.2019 registered under Sections 120-B, 34, 363, 366-A IPC and subsequently added Section 6 of POCSO Act, 2012 at Police Station Saran, District Faridabad.

Learned counsel for the petitioner herein would contend that a marriage was solemnized between the prosecutrix and the petitioner as far back as 11.07.2019 and they had sought protection of their life and liberty before the Additional Sessions Judge, Gurugram, which was allowed to them and after that the matter was dismissed as withdrawn. After that the petitioner and the prosecutrix had resided together as husband and wife for more than a period of three months, however, the petitioner herein was arrested on 05.10.2019. It is argued that the statement of the prosecutrix has been recorded and therefore, the question of influencing her being a

material witness would not arise. The trial is likely to take some time to conclude, as out of 15 witnesses, only prosecutrix has been examined and therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of the respondent-State and the counsel appearing for the respondent-complainant oppose the bail application, while contending that statement of prosecutrix has been examined and she has supported the case of prosecution and therefore, the petitioner is not entitled to concession of regular bail.

I have heard learned counsel for the parties.

Keeping in view the fact that a marriage has been solemnized between the petitioner and the prosecutrix and since statement of the prosecutrix has been recorded and the trial is likely to take some time to conclude, as only one material witness i.e. the prosecutrix has been examined out of 15 witnesses, no useful purpose would be served in keeping the petitioner behind the bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an opinion on merits of the case.

(JAISHREE THAKUR)
JUDGE

February 11, 2020
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No