

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

CRM-M-5066 of 2020.

Decided on:- February 11, 2020.

Som Nath.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

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

Ms. Gaganpreet Kaur, A.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 read with Section 34 IPC as well as 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 prosecutrix and the petitioner have solemnised marriage with each other and since they were apprehending threat at the hands of the parents of the prosecutrix, they filed a petition for protection of their life and liberty i.e. ***CWP No.20628 of 2019*** titled as ***Sonia and another Versus State of Haryana and others***. Since the petitioner and the prosecutrix were kidnapped by the father of the

prosecutrix, the said petition was dismissed as not pressed vide order dated 16.10.2019 passed by this Court.

He further states that in the aforesaid petition, the photocopy of the Aadhar Card of the prosecutrix was attached with the petition showing her date of birth as 11.03.2000 and, therefore, on the relevant date i.e. 25.07.2019 when the present FIR was registered against the petitioner, the prosecutrix had already attained the age of 18 years. He further refers to the photographs (Annexure P-1) to make out a case that the petitioner and the prosecutrix have solemnised marriage.

Learned State counsel, on instructions from ASI Virender, submits that as per the school certificate, the date of birth of the prosecutrix is 07.07.2003 and in this manner, on 25.07.2019 i.e. the date of registration of the FIR, she was minor. The prosecutrix was subjected to medical examination and the FSL report in the case is awaited.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 27.07.2019 and there is a history of marriage having been solemnised between the petitioner and the prosecutrix, this Court finds that the culpability of the petitioner is yet to be established during the trial and no useful purpose would be served by keeping him in further 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.

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.

February 11, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No