

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-7639 of 2020

Date of Decision: 16.03.2020

Dheeraj

...Petitioner (s)

Versus

State of Haryana & others

...Respondent(s)

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

Present:- Mr. Jagmohan Singh Ghumman, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

Mr. Shiv Charan Bholla, Advocate
for respondents no.2 and 3.

HARI PAL VERMA, J. (Oral)

CRM-8241 & 8256-2020:

The applications are allowed, as prayed. Respondent no.2 and 3 are impleaded in this petition. Amended memo of parties is taken on record.

CRM-M-7639-2020:

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.205 dated 22.04.2019 under Sections 346 IPC

and Section 6 POCSO Act (added later on) registered at Police Station Sector 9-A, Gurugram.

Learned counsel for the petitioner has argued that the prosecutrix and her mother i.e. the complainant, have been examined in the case and they have not supported the case of the prosecution. Rather, they have been declared hostile. In this manner, the chances of conviction of petitioner are very bleak. He further submits that apart from the fact that the prosecutrix has now attained the age of 19 years, her date of birth being 18.12.2001, a child has born to her on 04.01.2020 and the petitioner is the biological father of the child. Moreover, the prosecutrix is staying with the family of the petitioner and in case the petitioner is released on bail, he is ready to solemnise marriage with the prosecutrix. The petitioner is in custody since 03.07.2019.

Learned State counsel does not dispute the custody of the petitioner. However, he submits that the prosecutrix was minor when the alleged offence was committed by the petitioner.

On the other hand, learned counsel appearing on behalf of the complainant, on instructions from the complainant, who is present in Court along with the prosecutrix, submits that the prosecutrix is staying with the family of the petitioner and they have no objection in case the petitioner is admitted on bail.

I have heard learned counsel for the parties.

Admittedly, the complainant and the prosecutrix have not supported the case of the prosecution and they have been declared hostile. Considering the fact that the petitioner is in custody since 03.07.2019 and

the prosecutrix is residing in the house of the petitioner and the petitioner has shown his inclination to marry the prosecutrix, this Court is of the opinion that he deserves to be admitted on bail.

Accordingly, 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, in case the petitioner fails to solemnize marriage with the prosecutrix, she will be at liberty to seek cancellation of bail granted to the petitioner.

March 16, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No