

Sr. No.206

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

CRM-M-14067 of 2020 (O&M)

Date of Decision: 19.06.2020

Abhishek @ Abhi

...Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Akshit Aggarwal, Advocate
For the petitioner.

Mr. Vikrant Pamboo, DAG,Haryana.

ARUN MONGA, J. (ORAL)

1. Bollywood movie “Bobby” like run away couple cases seem to be rampantly happening in the society. Adolescents take a liking for each other, resulting into affection beyond social limits. And next, starts their scheming for fairy tale dreamland. But, real life is different from reel life. When happy ending is not the script, same very intimacy and affection then turns into hostility. It happens when either one partner tries to call it off or any set of parents disapprovingly press the button too hard on the legal options under criminal law. Everyday this court is seeing such kind of cases being filed. Youths approaching this court, either seeking anticipatory bail or regular bail on their so called love turning sour into allegation of rape or on the other hand while still in their wedding gears, couples seeking protection orders for the fear of being hounded from honor killing. Instant case too seems to be one such example, where a young boy is in jail since 16.02.2020. It is time that the youth learn their lesson from the harsh reality of life.

2. Petitioner herein, a young boy of 19/20 years old, is seeking regular bail in

FIR No. 75 dated 01.02.2020, registered under Sections 363 and 366-A of

Indian Penal Code and Sections 6 and 12 of the Protection of Children from Sexual Offences Act, 2012, Police Station City Yamuna Nagar.

2. Learned counsel for the petitioner, *inter alia*, contends that it is a case of teenage love not meeting approval of the parents of 17 years old girl. FIR in question is at the instance of the parents of the girl. Pursuant thereto, petitioner was arrested and is confined in jail since 16.02.2020. He further submits that the fact that complainant's daughter was/is in love with the petitioner is borne out from her statement dated 16.02.2020 at Annexure P-2. Said statement by the girl was made before Judicial Magistrate, candidly confessing that there was no pressure of any kind upon her and she had got willingly married to the petitioner. He further points out that in her statement, the girl willingly declined to undergo medico-legal examination stating that nothing wrong was ever committed to her and whatever happened, was with her consent. According to learned counsel the petitioner and prosecutrix had performed marriage. Both of them even executed a living relation deed dated 31.01.2020 (Annexure P-4). He argues that investigation is over and trial will take long time to conclude.

3. On the other hand learned State counsel does not controvert the submissions of learned counsel for the petitioner that the prosecutrix had recorded her statement under Section 164 Cr.P.C., *ibid*. According to him, the documents relied by learned counsel for the petitioner can be adjudged during the trial. He, however, admits that investigation is over and challan has been filed in the Court but trial is yet to commence.

4. The petitioner is in custody since 16.02.2020. As per material placed on record, *prima facie*, it is a case of consensual love. But without commenting on the merits of the case, considering the fact that investigation is over and challan has been filed and trial is not likely to start or conclude

anytime soon in view of current pandemic scenario, this Court is of the opinion that no useful purpose would be served by keeping the petitioner in custody any further.

5. In the totality of circumstances, petition is allowed. It is directed that the petitioner shall be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate, Yamuna Nagar at Jagadhri.

19.06.2020	(ARUN MONGA)
Jiten	JUDGE
Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No