

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

CRM-M No.15396 of 2020 (O&M)
DATE OF DECISION : 1st JULY, 2020

Jitender Kumar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. B. S. Tewatia, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.543 dated 13.10.2019 registered under Section 346 IPC (Sections 363 & 366-A IPC and Section 4 of POCSO Act, have been added later on) at Police Station City Palwal, District Palwal.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. In fact, the prosecutrix had solemnized the marriage with the present petitioner; against the wishes of her parents. Only on that count the present case has been registered against the petitioner. Referring to the statement made by the prosecutrix under Section 164 Cr.P.C., the counsel for the petitioner has submitted that the prosecutrix herself has stated that she solemnized marriage with the petitioner and she want to live with him. It is also submitted that the petitioner is in custody since 24.11.2019. The challan has already been

presented. Therefore, the petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail.

Notice of motion.

Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of the State.

On the other hand, the counsel for the State, being instructed by ASI Mahanand, submits that there are specific allegations against the petitioner. The girl is minor by age. However, it is not disputed that in her statement made under Section 164 Cr.P.C., the prosecutrix herself has stated that she solemnized the marriage with the petitioner and that she wanted to live with him. It is also not disputed that the petitioner is in custody since 24.11.2019 and that the challan has already been filed in this case.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

1st JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>