

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-20360-2020

Date of decision: 13.10.2020

Pritam

.....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Rhoit Mittal, Advocate for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

(the aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in Virtual Court).

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

Petitioner-Pritam, stated to be aged 20 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR no.719 dated 03.12.2019 (Annexure P-2), registered under Sections 363 & 366A of Indian Penal Code and Section 6 of POCSO Act, 2012, at Police Station City Narnaul, District Mahendergarh.

On 10.08.2020, this Court had passed the following order:-

“Petitioner-Pritam, stated to be aged 20 years, has filed the present petition inter alia with a prayer for grant of regular bail in case FIR no.719 dated 03.12.2019 (Annexure P-2), registered under Sections 363 & 366A of Indian Penal Code and Section 6 of POCSO Act, 2012, at Police Station

City Narnaul, District Mahendergarh.

Learned counsel for the petitioner submits that on 05.12.2019, the victim-girl had given a statement under Section 164 Cr.P.C. that the petitioner met her at the Bus Stand and both departed towards Noida with the intention to marry. Learned counsel therefore submits that she had gone with her consent that both wanted to marry each other.

Learned State counsel, on instructions from ASI Rambhagat, submits that the prosecutrix is minor in age and therefore neither her consent would matter nor the marriage would have been valid. Counsel further submits that the case is fixed before the trial Court for 19.08.2020 for framing of charges. It is also submitted that there are total of 22 witnesses, but, none has been examined till date.

Faced with the situation, learned counsel for the petitioner makes a request that the petitioner is also 20 years of age and prays that because of the present COVID situation, detention of the petitioner in jail would be dangerous to his life and he may be granted concession of interim bail.

On asking of the Court, learned counsel for the petitioner submits that he will have to seek instructions from the petitioner as to if he is ready to marry the girl.

In view of the peculiar facts and circumstances of the case as noticed above, the petitioner is granted interim bail for a period of two months from the date of his release, to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds.

Counsel for the petitioner is directed to file an affidavit on the next date of hearing, as to what is the stand of petitioner regarding marrying with the girl.

Learned State counsel is also directed to place on record the statement of prosecutrix, if recorded till then.

Adjourned to 13.10.2020.”

In pursuance thereof, learned counsel for the petitioner has filed an affidavit, a copy thereof has been shared on the Whatsapp group.

Learned counsel for the petitioner is directed to file an affidavit (vernacular and translated copy) and place the same on record within two days from today. Learned counsel submits that the petitioner has sworn in the affidavit that he has intention and would marry the prosecutrix.

As per the last order dated 10.08.2020, the petitioner is on interim bail.

Learned State counsel on instructions from ASI Suman, submits that the investigation in the present case is complete. Initially challan was submitted on 03.02.2020 and supplementary challan has also been presented on 22.05.2020. There are total of 22 witnesses but none has been examined till date.

Counsel for the petitioner then submits that due to the present COVID-19 situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the facts noticed above, the present situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds.

However, it is made clear that anything observed herein shall

not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

13.10.2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No