

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-17326-2020(O&M)
Date of Decision: 21.07.2020

Sanjay Kumar @ Biru

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Saurabh Kapoor, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ANIL KSHETARPAL, J.(Oral)

Present petition has been filed by the petitioner, namely, Sanjay Kumar @ Biru, under Section 439 Cr.P.C. for grant of regular bail in FIR No. 96, dated 14.06.2019, registered under Sections 363/366-A/120-B IPC, Section 12 of the POCSO Act, 2012 and Section 4 of the Child Marriage Act, 2006 at Police Station Shahzadpur, District Ambala.

In brief, the case of the prosecution is that the daughter of the first informant went missing from her uncle's house. The first informant suspected that the petitioner had enticed her with an intention to marry her.

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned counsel for the petitioner contends that the petitioner and the daughter of the first informant were having a love affair for quite some time and intended to marry, however, her parents were against the same. Therefore, the petitioner and the daughter of the first informant married with each other on 13.06.2019 and thereafter filed a petition in the

High Court seeking protection which was disposed of vide order dated 18.06.2019, Annexure P-1. He further submits that the statement of the alleged victim was recorded before the learned Judicial Magistrate under Section 164 Cr.P.C. wherein she admitted that the petitioner and the victim have solemnized marriage on 13.06.2019 and thereafter filed a petition seeking protection of their life and liberty before the High Court.

He further submits that the petitioner is in custody since 20.06.2019.

On the other hand, learned counsel appearing for the State of Haryana has submitted that the victim has appeared in Court as a prosecution witness and stated that the petitioner had raped her.

The petitioner is in custody for more than one year. *Prima-facie*, there is some evidence of marriage between the petitioner and the victim.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody for more than one year and conclusion of the trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the present petition is allowed with the aforesaid directions.

(ANIL KSHETARPAL)
JUDGE

July 21, 2020
“nt”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No