

CRM-M-17710-2020

Date of decision: 03.09.2020

RAHUL

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ferry Sofat, Advocate for
Mr. Deepender Singh, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI, J. (ORAL)

Affidavit of the victim has been placed on record.

FIR bearing No.163 dated 18.04.2019 under Sections 363/366-A IPC (subsequently Section 6 of POCSO Act, 2012 added later on), at Police Station Faridabad Old, District Faridabad has been registered on the basis of the statement of mother of the victim alleging that she suspected the petitioner to have kidnapped her daughter aged about 17 years. The victim was recovered while in the company of the petitioner from rented room at Molarbad Vistar, Badarpur, New Delhi.

It has been stated by the learned counsel for the petitioner that in her statement recorded under Section 164 Cr.P.C, the victim has stated that she had accompanied the petitioner of her own free will and running 9th month of pregnancy. It has been further stated that the petitioner has solemnized marriage with the victim, a child presently aged 06 months has been born from the

wedlock and she is residing with the parental family of the petitioner. The affidavit of the victim, who is now aged more than 18 years, alongwith the affidavit of her parents are also on record.

On instructions from ASI Kanvir Singh learned State counsel has not disputed the factual aspects but has stated that the victim was less than 18 years at the time of occurrence.

It may be mentioned here that in such circumstances, criminal liability, if any, shall be adjudicated by the learned trial Court at the appropriate stage of trial.

However, in the instant case, the victim has not levelled allegations of forcibly taking her by the petitioner in the statement recorded under Section 164 Cr.P.C. Moreover, the victim and her parents have placed on record their affidavits which indicate that the victim has solemnized marriage with the petitioner, a son has been born from the wedlock and she is residing with the parental family of the petitioner.

For the aforesaid reasons, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

03.09.2020
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(VIVEK PURI)
JUDGE

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