

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18212 of 2020
Date of Decision : 14.08.2020

Kishore Kumar

...Petitioner

Versus

State of Haryana

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Daljeet Singh Virk, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. C.S. Jattana, Advocate for the complainant/prosecutrix.

Harsimran Singh Sethi, J. (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail in respect of FIR No.09 dated 16.02.2020 under Sections 376, 450 and 506 IPC (Section 6 of the POCSO Act deleted later on as the prosecutrix was found to be major in age) registered at Police Station Women Dabwali, District Sirsa.

Learned counsel for the petitioner argues that the petitioner and the prosecutrix knew each other and the sexual acts were consensual and the petitioner was always ready to marry the prosecutrix and the objection to the

marriage between the petitioner and the prosecutrix, were from the parents of the prosecutrix only. Learned counsel for the petitioner submits that the petitioner is ready to marry prosecutrix even now.

Learned counsel appearing on behalf of the complainant/prosecutrix submits that parents of the prosecutrix have no objection in case the petitioner marry the prosecutrix and in case, the petitioner is ready for marriage with the prosecutrix, the present bail application is not opposed by them and rather, the grant of bail will facilitate the marriage between the petitioner and prosecutrix.

Mr. Munish Sharma, AAG, Haryana, who has joined the proceedings through video conference pleads ignorance about the proposal of the petitioner marrying the prosecutrix.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts recorded above especially that the petitioner is ready to marry the prosecutrix and to take care of the child born, the petitioner has made out a case for the grant of regular bail, especially, when the trial is likely to take some time before it concludes and keeping the petitioner behind the bars will serve no useful purpose. Rather, the grant of bail to the petitioner will facilitate the marriage between the petitioner and prosecutrix.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall

not be construed to be an expression of any opinion on the merits of the case.

The proof of the marriage, as undertaken by the petitioner be placed on record before this Court within a period of two months from today. In case petitioner resiles from the statement, this order will be reviewed *suo moto* by this Court.

August 14, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

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