

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-19999-2020 (O&M)
Date of Decision:- 27.8.2020

Jitender Kumar ... Petitioner
Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dharamvir Sharma, Advocate, for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.338, dated 10.9.2019, Police Station Pinjore, District Panchkula, under Section 346, 363 and 366-A IPC and Section 6 of POCSO Act.
2. The FIR in question was lodged at the instance of Bati, wherein it has been stated that the prosecutrix was studying in a Government School and that on 9.9.2019 after returning from school, she wore a green coloured dress and went to her aunt's house but did not return back. Subsequently after the prosecutrix was recovered on 16.9.2019, her statement was recorded in terms of Section 164 Cr.P.C. wherein she deposed that she had left her house voluntarily and had stayed in a

hotel along with Jitender Kumar (petitioner) and also established physical relations with him. She further stated that she wishes to marry aforesaid Jitender Kumar.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that it is a case where the prosecutrix had voluntarily left her house to be in the company of the petitioner and that the prosecutrix even while appearing in the witness box during the course of trial has not supported the case of the prosecution and has stated that she had informally solemnized marriage with the petitioner and wishes to stay with him.
4. Opposing the petition, learned State counsel has submitted that since the prosecutrix is a minor and the petitioner having enticed her, no case for grant of bail is made out. Learned State counsel has however, informed that the petitioner has been behind bars since the last more than 11 months and that the prosecutrix and the complainant have already been examined.
5. I have considered rival submissions addressed before this Court and have also perused the statement of the prosecutrix (Annexure P-3) recorded during the course of trial. A perusal of the said statement shows that she has stated categorically that she had accompanied the petitioner out of her own free will and had also established physical relations and they had solemnized an informal marriage and that she is in love with the accused till date and that she will not marry anyone else.

6. Having regard to the facts and circumstances of the case especially that the petitioner as on date has been behind bars since the last more than 11 months and also that the prosecutrix and the complainant have already been examined, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

August 27, 2020

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No