

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-24836-2020 (O&M)

Date of decision : 02.09.2020

Vikram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

Mr. Vikrant Pamboo, DAG, Haryana.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.47 dated 01.02.2020 registered under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006 and Section 6 of the Prevention of Children from Sexual Offences Act, at P.S. Indri, Karnal.

States that the petitioner is nephew of the complainant. As per the version of the complainant, in certain issues the prosecutrix was found to be doing some wrong. She was rebuked, she left her maternal home and joined the company of her paternal grandfather, who got her married to one Rajesh S/o Leeluram Kashyap. After six months, the prosecutrix contacted the complainant, her mother and conveyed that her daily requirements are not being met. Accordingly, the complainant rescued her daughter. It has also come on record that father of the prosecutrix and estranged husband of the complainant, Vikram was also present in the marriage. No recovery was

effected from the petitioner. He is not involved in any other FIR. He is in custody since 06.05.2020.

On the other hand, learned State counsel submits that the petitioner assisted the co-accused in solemnization of child marriage. The challan stands presented on 10.07.2020 but the charges are yet to be framed.

Heard.

There is no date of birth of the prosecutrix, daughter of the complainant, on record. The petitioner is nephew of the complainant. He is not involved in any other FIR and is in custody since 06.05.2020. Though, the challan stands presented, but the charges are yet to be framed. Therefore, it can safely be inferred that the conclusion of trial may take a considerable time. Thus, this Court feels that further incarceration of the petitioner will not serve any useful purpose.

In view of the above, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds with two local sureties, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

02.09.2020
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No