

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

Date of decision: 08.09.2020

**CRM-M-25833-2020 and
CRM-M-25834-2020**

Krishan @ Ashu

.....Petitioner

versus

State of Haryana and Anr.

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

Mr. Ashwani Bhardwaj, Advocate
for respondent No.2.

Mr. Parveen Kumar, Advocate
for the complainant.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

This order shall dispose of CRM-M-25833-2020 and CRM-M-25834-2020 as common issues are involved. For the sake of order, CRM-M-25833-2020 is being treated as the lead case.

Petitioner-Krishan @ Ashu, stated to be aged 21 years, has filed the present petitions *inter alia* praying for grant of regular bail in case FIR No.07 dated 11.01.2019 under Sections 363/366-A/467/468/471 of IPC (in CRM-M-25833-2020) and FIR No.115 dated 20.09.2019, under Sections 363/366-

A/216 of IPC (in CRM-M-25834-2020), registered at Police Station Machhrauli, District Jhajjar, Haryana.

Learned counsel for the petitioner based on pleadings in the petition(s), submits that the first FIR was lodged on 11.01.2019, on a complaint of father of respondent No.2 (wife of petitioner). Learned counsel by making reference to para 5 of the petition, submits that allegations leveled by father of respondent No.2 on 05.02.2019, by giving statement that respondent No.2 had gone with the petitioner with her free will. It was further stated that they solemnized marriage at Arya Samaj Mandir with their free will. Learned counsel further submits that the petitioner was granted regular bail vide order dated 20.04.2019 passed by the Additional Sessions Judge, (Exclusive Court), Jhajjar (Annexure P-3). While the petitioner was on bail, another FIR was lodged on 20.09.2019 by the father of respondent No.2 alleging that the petitioner has once again kidnapped respondent No.2. Learned counsel for the petitioner then submits that on 04.06.2020, the petitioner and respondent No.2 have performed second marriage. Learned counsel *inter alia* also makes reference to the petition i.e. CRWP No.3659-2020 filed by Varsha and the present petitioner, seeking protection from the father of respondent No.2. The said petition was disposed of on 11.06.2020 by this Court by issuing directions to the concerned Superintendent of Police, to examine the threat perception in the representation and take action in accordance with law.

Learned State counsel, on instructions from ASI Ashok Kumar, submits that in the first FIR dated 11.01.2019, challan has been presented on 05.03.2019. Charges have been framed on 16.05.2019. There are total of 16 witnesses but none has been examined till date. In the second FIR dated

20.09.2019, challan has been presented on 24.08.2020 and there are total of 13 witnesses but none has been examined.

Learned counsel for the complainant opposes the bail on merits. He submits that the petitioner is not entitled to concession of bail as he had committed illegality and fraud by giving wrong date of birth of respondent No.2. He also submits that the petitioner was declared Proclaimed Offender on 21.01.2020 and thereafter he was arrested on 30.06.2020.

Faced with the situation, Learned counsel for the petitioner, however, submits that due to the present COVID-19 situation and also the fact that trial is likely to take some time, detention of the petitioner in jail would be dangerous to his life.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID and the fact that trial is likely to take time, this Court deems it appropriate to release the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petitions stand disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

08.09.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No