

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25581-2020
(Heard through VC)
Date of decision: 07.09.2020

Satish alias Sonu

....Petitioner

V/s.

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Govind Rana, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Ritu Bahri, J. (Oral)

This petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case F.I.R. No. 130 dated 09.07.2019 under Sections 328, 376 and 506 IPC 1860 registered at Police Station Sanoli, Panipat, District Panipat (Annexure P-1).

Learned counsel for the petitioner submits that the allegation in the FIR was that petitioner had enticed the daughter of the complainant i.e. Kiran who was 19 years of age. A perusal of the FIR (Annexure P-1) shows that Kiran used to learn computer and alongwith Tannu also used to learn computer and the present petitioner was her uncle's son with whom Kiran used to talk on the mobile phone. The complainant has suspicion on the petitioner to entice his daughter.

Learned counsel for the State, on instructions from ASI Surinder Singh submits that challan was presented on 05.10.2019 and charges were framed on 26.11.2019. She further states that prosecutrix has given her statement under Section 164 Cr.P.C. (Annexure P-7) in which she had stated that petitioner smelt her something. On regaining consciousness

she found herself in Shivaji temple and thereafter petitioner had solemnized marriage with her and also gave threat to kill her as well as her brothers and obtained her signatures on the blank papers.

Learned counsel for the petitioner submits that in the statement under Section 164 Cr.P.C. (Annexure P-7), there is no allegation of rape.

On a specific query put to learned counsel for the petitioner, he submits that the petitioner is in custody since 07.08.2019. He has also referred to photographs (Annexures P-4 and P-5) to show that they had actually solemnized marriage in temple.

Learned counsel for the State has not been able to give status of investigation with regard to marriage photographs (Annexures P-4 and P-5).

Keeping in view that prosecutrix was 19 years of age, there is no allegation of rape in her statement and that the trial is not likely to conclude in near future, this Court feels that there is no need to detain the petitioner any longer. Accordingly, this petition is allowed and the petitioner is ordered to be enlarged on bail to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

07.09.2020**Divyanshi****RITU BAHRI
(JUDGE)****Whether speaking/reasoned:****Yes/No****Whether reportable:****Yes/No**