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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M 26720-2020

Date of Decision:11.09.2020

SHIVAM @ SHIVA SONI

.....Petitioner

Vs

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Rajat Gautam, DAG, Haryana.

Mr. Lokesh Sharma, Advocate for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.36 dated 25.04.2020, registered under Sections 323, 366, and 376(2)(n) and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act at P.S. Sirsa, District Sirsa, Haryana.

FIR was lodged at the instance of prosecutrix. According

to the prosecution case, the prosecutrix had studied upto 12th class. She was married on 10.01.2020 with Sarabjit s/o Maan Singh. After two days of marriage, her parents alongwith the petitioner came to take her from the matrimonial house. She came to parental house alongwith her parents and the petitioner. The prosecutrix had some friendship with the petitioner in the past. The petitioner allegedly gave threats to her of committing suicide in case the prosecutrix does not marry him. Petitioner took the prosecutrix from the house and made physical relation with her. She stayed with the petitioner at his house for 10 days. Petitioner allegedly performed some customs of marriage with the prosecutrix but did not marry her in any temple. The petitioner sent the prosecutrix to her in laws house and asked her to take divorce from her husband. When the prosecutrix went to her in laws house, her husband did not allow her to come back to parental house. Thereafter, petitioner visited the in laws house to take her back. The prosecutrix came back with the petitioner on 06.02.2020. The petitioner and the prosecutrix went to Bombay and thereafter returned home. The prosecutrix remained in the petitioner's house at about 1 ½ months. Further the allegations are that on 17.04.2020, the family members of the petitioner abused the prosecutrix in the name of her cast. Petitioner gave her beating and refused to perform any marriage with her.

Learned counsel for the petitioner submits that now there is a compromise between the parties and the prosecutrix has no objection in case, the petitioner is released on bail.

Mr. Lokesh Sharma, Advocate appears on behalf of the Complainant and states that the prosecutrix has no objection in case, the petitioner is granted bail.

Mr. Rajat Gautam, DAG, Haryana, on instruction from ASI Pallo Rani, however, opposed the bail on the ground that the allegations are serious.

Having heard, learned counsel for the parties, I find that the petitioner and the prosecutrix had some friendship in the past. The prosecutrix remained in the house of the petitioner for a substantial period. Even, they visited Bombay together and remained there for 10 days.

In view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to

be an expression of any opinion on merits of the case.

11.09.2020.

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No