

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

CRM-M-28702-2020

Date of decision: **23.9.2020**

MOHIT @ MODA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Ashok Kumar Sharma, Advocate
for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.121 dated 22.6.2020 under Sections 363, 366-A IPC & Section 6 of POCSO Act at Police Station Julana, District Jind.
2. The FIR was registered at the instance of Mohinder wherein it has been alleged that his daughter aged about 17 years had left her home on 21.6.2020 to throw garbage but did not return back. Later upon making inquiries they came to know nephew of Mahabir namely Moda had enticed away the complainant's daughter and that Arun & Virender had helped him.
3. Learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioner and that it is in fact a case where

complainant's daughter had left her home out of her own free will & accord and had solemnized marriage with the petitioner. It has been submitted that since the petitioner and complainant's daughter apprehended threat to their lives at the hands of the complainant and other members of his family, they were constrained to approach this Court seeking protection by way of filing CRWP-4128-2020 which was disposed off vide order dated 25.6.2020 (Annexure P-6) while issuing direction to the police to do the needful.

4. Learned counsel for the petitioner further submitted that in fact as per AADHAR card of the complainant's daughter she was aged more than 18 years and that when her statement was recorded by learned Judicial Magistrate Ist Class in terms of Section 164 Cr.P.C. she categorically stated as regards her age being 18 years and admitted that she had solemnized marriage with the petitioner out of her own free will and wanted to reside with him.
5. Opposing the petition, learned State counsel has submitted that it is a case where the age of the complainant's daughter is doubtful and in fact she is aged less than 18 years. Learned State counsel has however not disputed the fact that the statement of the complainant's daughter was recorded in terms of Section 164 Cr.P.C. It has been informed that the petitioner has now behind bars since last 2 ½ months and that '*Challan*' already stands presented.
6. I have considered rival submissions addressed before this Court.
7. Keeping in view the facts brought out in the present petition, it would

certainly be debatable as to whether it is a case where the complainant's daughter had been enticed away or as to whether she had voluntarily accompanied the petitioner and solemnized marriage. In any case, since investigation has already concluded and '*Challan*' has already presented, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time. 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.

23.9.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**