

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CRM-M-28848-2020

Date of Decision:24.09.2020

Sumit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Ms. Monika Jangra, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner during the pendency of trial in FIR No.154 dated 19.05.2020 under Sections 363, 366-A IPC, registered at Police Station I.M.T. Rohtak, District Rohtak.

Learned counsel for the petitioner submits that the petitioner is in custody since 24.05.2020 and in fact petitioner has solemnized marriage with Sapna on 19.05.2020. She refers to the Marriage Certificate (Annexure P-2) to support her contention and also refers to the photographs(Annexure P-3) of the petitioner with the prosecutrix.

Learned State Counsel does not dispute the custody period of the petitioner. However, she submits that the prosecutrix in the case is a

minor girl as her date of birth is 07.07.2002. Petitioner has kidnapped the prosecutrix and has solemnized marriage with her.

Heard learned counsel for the parties.

Petitioner is in custody since 24.05.2020. Perusal of documents i.e. Marriage Certificate(Annexure P-2) and the photographs (Annexure P-3) shows that the petitioner has solemnized marriage with Sapna. The culpability of the petitioner is yet to be established during the course of trial. Moreover, trial in the case is not likely to be concluded in the near future. Thus, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

September 24, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No