

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-29966-2020

Date of decision: 03.11.2020

Ajay

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. C.B. Goel, Advocate
for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

Mr. Yogesh Goyal, Advocate for respondents No.2 & 3.

GIRISH AGNIHOTRI, J. (Oral)

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

Petitioner-Ajay, stated to be aged 19 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.0054 dated 18.06.2020, registered under sections 342, 376(3) & 506 of Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012, at Women Police Station, Kaithal.

Learned counsel for the petitioner, based on the pleadings in the petition, submits that on 18.06.2020, vide Annexure P-1, a written complaint was made, however, on 20.06.2020, vide Annexure P-2, the prosecutrix has in fact stated that the complaint was written by mistake. It

was further stated that the petitioner has agreed for marriage.

On instructions from SI Sukhbir Singh, learned State counsel submits that the petitioner was arrested on 20.07.2020. Investigation in this case has been completed and challan has been presented on 01.09.2020. It is also submitted that there are total of 18 witnesses, out of which, none has been examined till date. He however also makes reference to the reply filed by way of affidavit of Shri Raj Singh, DSP, Crime Against Women(CAW), Kaithal, District Kaithal, on behalf of respondent No.1.

Learned counsel appearing on behalf of respondents No.2 & 3, submits that in the order dated 01.10.2020 also, it was so recorded by this Court that he has instructions on behalf of respondents No.2 & 3 to state that Annexure P-2 (statement) was made without any pressure by the prosecutrix. He further submits that the matter has been settled between the parties.

Faced with the situation, learned counsel for the petitioner submits that the petitioner is a young boy aged about 19 years. Counsel submits that the petitioner would give an undertaking that in case, the girl gives her consent for marriage, he would like to marry her. Learned counsel also submits that in view of the COVID situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the peculiar facts noticed above and the present situation due to COVID-19 and also the fact that trial is likely to take some

time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail/surety bonds. In view of the offer made by counsel for the petitioner, the petitioner is directed to give an undertaking that in case, the girl gives her consent for marriage, he will marry her.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

03.11.2020

anju rani

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No