

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31120-2020 (O&M)

Date of Decision: November 05, 2020

SONU Petitioner(s)

Versus

STATE OF HARYANA Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Karan Padam, Advocate for the complainant.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

CRM-27117-2020

Documents i.e. copy of compromise deed dated 29.10.2020 (Annexure P-5) entered into between parties and copy of affidavit submitted by the complainant dated 29.10.2020 (Annexure P6) are taken on record, subject to just exceptions.

Application is disposed of.

CRM-M-31120-2020

The petitioner prays for grant of bail pending trial in FIR bearing No.72 dated 31.08.2020 under section 341, 342, 343, 363, 366A, 506, 120-B IPC and Sections 4, 8, 18 of POCSO Act, 2012, registered at Police Station Women Jind, District Jind.

Learned counsel for the petitioner submits that petitioner and the alleged victim had solemnized marriage with each other on 28.08.2020, though against the wishes of the complainant. It is submitted that the victim refused to accompany the complainant i.e. her mother and is currently lodged at Nari Niketan, Karnal. She had expressed a specific desire to reside with the petitioner. The victim, it is further submitted, in her statement under Section 164 Cr.P.C., has categorically denied commission of any rape or kidnapping.

Learned counsel for the petitioner submits that the complainant has now agreed to accept the marriage of the petitioner and the complainant's daughter. A compromise in this respect has been arrived at between the parties on 29.10.2020 (Annexure P-5). It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the complainant verifies that the complainant has now agreed to accept the marriage of the petitioner and her daughter and the complainant has no objection in case this petition is allowed.

Learned counsel for the State, on instructions from ASI Sheela, verifies that the petitioner is not involved in any other criminal case and the final report under Section 173 Cr.P.C./challan stands presented against the petitioner on 23.10.2020.

There is no allegation that the petitioner is likely to abscond or would not be available for trial. Due to the situation created by outbreak of the pandemic COVID-19, trial in this case is not likely to be concluded in

the near future. No useful purpose would be served by keeping the petitioners incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

05.11.2020

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No