

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

**CRM-M No.36294 of 2020(O&M)
Date of Decision: 09.12.2020**

RINKU

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Kamal Deep Sehra, Advocate
for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

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.315 dated 14.06.2020 registered under Sections 363, 366 IPC (Section 366-A IPC removed later on), Section 6 of the POCSO Act and Section 9 of Prohibition of Child Marriage Act (later on added) at Police Station Pehowa, District Kurukshetra.

FIR was registered at the instance of grand-father of the prosecutrix alleging that prosecutrix was 17 years, 5 months

and 20 days of age. On 13.06.2020, she was sleeping with her grand-mother, but in the morning, she was not found present. Allegations were made against the petitioner that he had enticed her away with a false promise of marriage.

Learned counsel for the petitioner submitted that the petitioner and prosecutrix jointly filed CRWP No.3927 of 2020 in the High Court which was disposed of vide order dated 19.06.2020 with a direction to Superintendent of Police, Panipat to decide the representation of the petitioners therein with a period of one week from the date of receipt of copy of that order and grant them protection, if any threat to their lives and liberties was perceived. Learned counsel further submitted that the statement of the prosecutrix was recorded under Section 164 Cr.P.C firstly on 08.07.2020, where she had admitted the factum of marriage with the petitioner on 19.06.2020 in Chandigarh. She also submitted that she went of her own with the petitioner and wanted to live with him. Second statement under Section 164 Cr.P.C was made on 31.07.2020, wherein the prosecutrix again endorsed the factum of marriage with the petitioner on 19.06.2020. She further stated that petitioner be released as they had entered into matrimonial tie with their own choice. After the marriage, they went to Panipat and made physical relations with each other. Prosecutrix had refused to undergo medical

examination as noticed in para No.4 of the order passed by the Additional Sessions Judge, Fast Track Court, Kurukshetra. Learned counsel further submitted that the prosecutrix is at the verge of attaining age of 18 years on 23.12.2020. The allegations are serious. Prosecutrix was minor at the time of commission of offence. Challan has already been presented, but charges have not been framed so far.

Looking to the aforesaid facts and 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 regular 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.

(RAJ MOHAN SINGH)
JUDGE

December 09, 2020
Prince

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No