

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 37537 of 2020
Date of Decision: 18.11.2020**

Sujit Kumar Shah

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gaurav Gupta, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 251 dated 14.5.2018 under Sections 363, 366-A IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (added later on) registered at Police Station SGM Nagar, District Faridabad.

Learned counsel for the petitioner submits that though, Priti was a minor, aged 16 years, but the petitioner has solemnized marriage with her and now at present, she is 18 years of age and they have been blessed with a son. The birth certificate dated 23.2.2019 is attached as Annexure P-4.

Learned counsel for the petitioner further submits that the petitioner was residing with his family in Bihar and now he has been in custody since 19.9.2020. He further submits that Priti has also given an affidavit dated 14.10.2020 (Annexure P-5) stating therein that she had left

the home of her own because of her father. In support of his contentions, learned counsel has placed reliance upon *Asha and another versus State of U.P. and another 2018 (182) AIC 913*.

Learned State counsel submits that in the present case, challan has been presented on 16.11.2020. However, he has not disputed the fact that now Priti is 18 years of age and she has solemnized marriage with the petitioner and they have been blessed with a son.

I have heard the learned counsel for the petitioner and the learned State counsel.

In the present case, Priti, who is now 18 years of age, solemnized marriage with the petitioner and they have been blessed with a son. The petitioner has been in custody since 19.9.2020 and challan has been presented before the trial Court. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

November 18, 2020
Gurpreet

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