

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

CRM-M-40808 of 2019.

Decided on:- January 14, 2020.

Rakesh Yadav.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. S.K. Tripathi, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 438 Cr.P.C. seeking anticipatory bail in the event of his arrest in FIR No.361 dated 06.09.2019 under Section 376(2)(n) and 506 IPC as well as Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Khedki Daula, District Gurugram.

Learned counsel for the petitioner has submitted that the petitioner and the prosecutrix have solemnised marriage on 07.03.2019 and considering the date of birth of the prosecutrix as 31.03.1999, she had already attained the age of majority on the date of registration of the FIR i.e. 06.09.2019. The petitioner and the prosecutrix remained in relations for about 3 years prior to their marriage.

He further states that the prosecutrix has suffered her statement under Section 164 Cr.PC to the effect that she has no grievance against the petitioner and she is staying with the petitioner as his wife.

At this stage, learned State counsel, on instructions from SI Rajpal, states that the petitioner and the prosecutrix are staying together as husband and wife and the police has prepared cancellation report in the case on 12.12.2019.

In view of the above conceded position, the present petition is allowed and the order dated 23.09.2019 whereby arrest of the petitioner was stayed by this Court, is made absolute.

However, in case the petitioner is required in the case in any manner, a clear 15 days notice shall be served upon him.

January 14, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No