

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

220

CRM-M-49362-2019

Date of Decision: 30.01.2020

Parkash

.....Petitioner

Versus

State of Haryana

.....Respondent

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

**Present: Mr. Arpandeeep Narula, Advocate,
for the petitioner.**

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.69 dated 20.06.2019 under Sections 363, 366-A IPC, registered at Police Station Odhan, Sirsa.

Learned counsel for the petitioner refers to the statement of the prosecutrix recorded under Section 164 Cr.P.C. to contend that it is the prosecutrix who has enticed the petitioner. In her statement, she has clearly stated that she never wanted to solemnize marriage with some other person, therefore, she asked the petitioner to take her along with him. Though the petitioner has denied that they being under age cannot solemnize marriage, but still the prosecutrix while apprehending that her marriage will be solemnized with some other boy made the petitioner forcibly agreed to take her along with him. He further states that the prosecutrix was offered for medical examination, but she refused. Petitioner is in custody since 03.07.2019.

Learned State Counsel does not dispute the custody period and

the statement of the prosecutrix recorded under Section 164 Cr.P.C.

Heard.

When the prosecutrix was offered for medical examination, she refused for medical examination. The petitioner and the prosecutrix have remained in Gujarat for 10-11 days and during this period she has not made any allegation that the petitioner has committed any sexual assault upon her. Considering the statement of the prosecutrix recorded under Section 164 Cr.P.C. and the fact that the petitioner is in custody since 03.07.2019 and trial in the case is not likely to be concluded in the near future, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

January 30, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No