

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

CRM-M-15770-2021 (O&M)

Date of Decision: April 20, 2021
(Heard through VC)

Chhotu alias Jamna Dass

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gaurav Tyagi, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 243 dated 12.11.2019 under Sections 363, 366-A, 366, 376 (2)(n), 452 of Indian Penal Code and Section 6 of POCSO Act registered at Police Station Sanoli, District Panipat, Haryana.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody on 06.02.2021. It is further contended that the FIR got registered on the statement given by the mother of Sonam, that the petitioner herein had abducted her minor daughter and consequently had abused her. It is argued that in fact the marriage had been solemnized

between the daughter of the complainant and the petitioner as far back as in 2019 and out of the said wedlock a minor child born. It is further argued that in fact the mother has now accepted the said marriage and even filed a petition for quashing of the said FIR, even though allegation under Section 376(2)(n) and Section 363, 366-A has been made in the said FIR. It is further stated that the petitioner is praying for grant of regular bail at the present moment as he is ready to face trial.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the allegations as set out in the FIR are fairly serious in nature and the allegation qua the petitioner of being abducting the minor girl of the complainant as well as of committing the offence of rape upon her would not entitle him for grant of regular bail, however, she does not dispute the fact that the complainant later accepted the marriage of the petitioner with her daughter and also filed the petition of quashing of the FIR in question.

I have heard learned counsel for the parties.

Since due to resurgence of pandemic COVID-19 in the recent weeks, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 06.02.2021 and the parties had solemnized the marriage in 2019 and that the complainant herself had accepted their marriage and filed a quashing petition, this Court deems it appropriate to allow this petition keeping in mind the welfare of the wife and the minor child as no useful purpose would be served in keeping the petitioner behind bars. The petitioner is directed to be released on regular

bail on his execution of personal bond and surety to the satisfaction of concerned trial Court/Duty Magistrate.

Needless to say that in case the petitioner abandons the wife and the minor child, for whom the concession of bail has been allowed to him, the respondent-State is at liberty to move an application for cancellation of his bail.

April 20, 2021
seema

(JAISHREE THAKUR)
JUDGE

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