

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

CRM-M No.19335 of 2021 (O&M)

Date of Decision:08.07.2021

(Heard through VC)

Sunny Saini

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rohit Mittal, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

Status report by way of affidavit of Rajiv Kumar, HPS, Deputy
Superintendent of Police, Kanina, District Mahendergarh is taken on record.

This is a petition that has been filed for grant of regular bail to
the petitioner in FIR No.122 dated 15.06.2020 registered under Sections 363,
366-A of IPC and 3(2) (VA) SC, ST Act and 9 of Prohibition of Child
Marriage Act at Police Station Ateli, District Mohindergarh.

Counsel for the petitioner herein would contend that he has
been falsely implicated in the said case, as in fact the petitioner and the
daughter of the complainant had solemnized marriage of their own freewill.
It is further submitted that the prosecutrix i.e. the daughter of the
complainant is currently residing with the family members of the petitioner
herein. Counsel for the petitioner has relied upon the status report filed by
way of an affidavit of Rajiv Kumar, HPS, Deputy Superintendent of Police,
Kanina, District Mahendergarh, wherein, it has been affirmed that the
marriage has been solemnized between the petitioner and the daughter of

the complainant and that she is in fact residing with the family of the petitioner as his wife. It is further argued by the counsel for the petitioner that the matter stands investigated and the challan has been presented but the charges are yet to be framed. It is also argued that since the prosecutrix is residing with the family members of the petitioner, the apprehension that the petitioner would influence the prosecutrix would not arise.

Learned counsel appearing on behalf of respondent-State would oppose the grant of regular bail but is not in a position to dispute the fact the marriage has taken place between the parties and the daughter of the complainant is currently residing in her matrimonial home i.e. with the parents of the petitioner.

I have heard learned counsel for the parties. Keeping in view the fact that the investigation has been completed and the challan stands presented and the prosecutrix is currently residing with the family of the petitioner as his wife and the fact that the trial is likely to take some time to conclude owing to present COVID-19 pandemic situation, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

July 08, 2021
P.Bhatt/Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No