

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

CRM-M No.27336 of 2020 (O&M)

Date of Decision:26.08.2021

(Heard through VC)

Rajesh @ Rakesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.47 dated 01.02.2020 under Sections 9, 10, 11 of Prohibition of Child Marriage Act, 2006 and Section 6 of the POCSO Act, 2012 (Section 342 & 120-B IPC added later on) registered at Police Station Indri, District Karnal.

Counsel for the petitioner would contend that the petitioner has been falsely implicated in the said matter and is in custody since 14.05.2020. It is further contended that marriage of the petitioner was solemnized with a minor by her grandparents and two uncles. In fact, the instant FIR came to be registered at the behest of mother of the prosecutrix wherein it was stated that the prosecutrix left the house after having a fight with her brother and went to reside her parental grandparents, who solemnized her marriage with the petitioner herein. It is submitted that the

prosecutrix was not treated well and wanted to be taken out from their custody, she called upon her mother to take her away. The statement of the prosecutrix has already been recorded and the trial is likely to take some time to conclude as out of 14 witnesses cited, only 1 has been examined, therefore, prays for concession of bail to the petitioner.

Learned counsel for the respondent-State would oppose grant of bail to the petitioner by contending that the allegations levelled against the petitioner are serious in nature, however, she does not dispute the fact that investigation has been completed and challan stands presented.

I have heard counsel for the parties. Keeping in view the fact that investigation has been completed and challan stands presented and the trial is likely to take some time to conclude as out of 14 witnesses cited only one witness has been examined, 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 with a condition that the petitioner would not make any attempt to contact the complainant in any manner whatsoever. However, any observation made herein shall not be construed to be an expression on merits of the case.

August 26, 2021
P.Bhatt/Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No