

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.29133 of 2020 (O&M)

Date of Decision: March 03, 2021

Monu @ Manish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ram Bilas Gupta, Advocate,
for the petitioner.

Mr. Sukhdeep S. Parmar, DAG, Haryana.

Mr. Rajni Kant Upadhyay, Advocate for
Mr. Parveen Chauhan, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.95 dated 29.04.2019, under Sections 363, 366-A IPC, 1860 and Section 6 Protection of Children from Sexual Offence Act, 2012, registered at Police Station, Tigaon, District Faridabad. The petitioner is in custody since his arrest on 15.11.2019.

The above FIR was registered on the complaint of Rajesh, wherein it was stated that his daughter (prosecutrix) aged sixteen years is pursuing computer course for the last one year. On 28.04.2019, she left the house at about 10.00 a.m. as usual, however, she did not return in the evening. Sapna informed him that Monu, resident of Village Ajheja had

enticed away his daughter on the allurements of marriage. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that initially the FIR was registered for the offences punishable under Sections 363 and 366-A IPC on the basis of a complaint given by Rajesh and subsequently, offence under Section 6 POCSO Act, 2012 was added. He has invited the attention of the court to the statement of the victim recorded under Section 164 Cr.P.C. on 15.11.2019, wherein she stated that she on her own accompanied the petitioner on 28.04.2019 and few days thereafter, they married. He submits that the petitioner and daughter of the complainant are living as husband and wife and their families have now arranged her formal marriage with the petitioner, which is scheduled for 06.03.2021. In this regard, he has produced the marriage invitation card. He prays for bail.

The above stand of the learned counsel for the petitioner is not disputed by the learned counsel for the complainant, who states that indeed the daughter of complainant-Rajesh is living with the petitioner as his wife and their formal marriage is fixed on 06.03.2021.

Learned State counsel, assisted by ASI Prem Dutt, has pointed out that no prosecution witness has been examined so far.

After hearing the learned counsel for the parties, considering the above background and custody of the petitioner, this court finds that the further detention of the petitioner, who is presently confined in judicial custody after his arrest on 15.11.2019, may not be necessary for any useful purpose. The prosecution is yet to examine its witnesses and the trial would consume considerable time to conclude.

Resultantly, without meaning any expression of opinion on the

merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Faridabad.

March 03, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No