

CRM-M-30580-2020 (O&M)

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

**CRM-M-30580-2020 (O&M).
Decided on: January 18, 2021.**

Mukesh @ Sanam

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Sanjiv Kumar Aggarwal, Advocate,
for the petitioner.**

Mr.Munish Sharma, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

Through Video Conference

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.502 dated 31.10.2019, under Sections 363 and 366-A IPC (Sections 6 and 17 of the Pocso Act and Sections 9 and 10 of the Prohibition of Child Marriage Act added later on), registered at Police Station Kurukshetra, District Kurukshetra.

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Learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case by the father of the prosecutrix because it is a case where no force was committed by the petitioner and prima facie no offence was made out and rather the petitioner had got married with the prosecutrix and the present FIR was a false FIR. He submitted that out of 19 witnesses cited by the prosecution, 8 have already been examined including the prosecutrix and her parents vide Annexures P-8, P-9 and P-10. He submitted that when the prosecutrix as well as her parents have deposed in the Court at the time of trial that they have stated that the petitioner has not committed any wrong upon the prosecutrix and thereafter, they have been declared as hostile. He has submitted that the petitioner is in custody since 12.11.2019 and the material witnesses have already been examined and therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody since 12.11.2019 which is more than one year and that all the material witnesses have already been examined including the prosecutrix and her parents in which all of the three have been declared hostile. However, learned State counsel has opposed the grant of regular bail on the ground that the matter is serious in nature and the statements got recorded by the prosecutrix and her parents are shaky.

I have heard the learned counsel for the parties.

It is not disputed that the petitioner is in custody since 12.11.2019 and according to the learned counsel for the parties all the

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material witnesses including the prosecutrix and her parents have been examined. Furthermore, it is not the case of the State that in case the petitioner is released on bail, he may influence the witnesses or tamper with any evidence in view of the fact that as per the learned counsel for the parties material witnesses have already been examined and the petitioner is in custody for the last more than one year.

Considering the totality of the circumstances of the present case, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the concerned trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

January 18, 2021.
raj arora

JASGURPREET SINGH PURI)
JUDGE

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