

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-33000-2020

DATE OF DECISION: 16.03.2021

SABDAR

... Petitioner (s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Akash Yadav, Advocate for
Mr. Rakesh Bakshi, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Bhavdeep Singh Mamli, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.312 dated 27.08.2020, under Sections 376(3), 120-B IPC, Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 and 10 of the Child Marriage Act, registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

Learned counsel for the petitioner contends that son of the petitioner and the victim were in a relationship. He further contends that the petitioner and the victim are muslims. The victim is stated to be under 18 year of age but it is permissible in Islam for girls to perform marriage at the age of puberty. They are alleged to be living together. He also contends that the victim, in her testimony as PW-1 and the mother of the victim, who is the complainant, in her testimony as PW-2, did not support the prosecution case qua the involvement of the petitioner. The petitioner is in custody for over 8 months. He is not involved in any other case. The co-accused namely Salman

has been granted regular bail by this Court in CRM-M-1334-2021 on 02.03.2021.

Learned counsel for the complainant has put in appearance and contends that it is correct that the complainant did not support the prosecution case. He further contends that the complainant has no objection if the petitioner is released on bail.

Learned State counsel, upon instructions from ASI Mehboob contends that only 2 out of 15 prosecution witnesses have been examined.

Heard.

In view of the above, especially when the victim and her mother did not support the prosecution case qua the involvement of the petitioner, the petitioner is in custody for over 8 months, the co-accused has been granted bail, he is not involved in any other case, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

16.03.2021.

SwarnjitS

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