

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

207)

CRM-M-38926 of 2020 (O&M)

Date of Decision: 07.01.2021

Deepak

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present:- Mr. Kunal Dawar, Advocate, for the petitioner.  
Mr. Surender Singh, AAG, Haryana

**Amol Rattan Singh, J. (Oral)**

Case heard by video conferencing.

**CRM no.30499 of 2020**

By this application, the applicant (petitioner in the accompanying petition) seeks to place on record the date of birth of the alleged victim, as per a certificate stated to have been issued by her school.

Notice in the application, with Mr. Surender Singh, learned AAG, Haryana, accepting notice on behalf of the State, on the asking of the court.

Since the date of birth is not seen to be different to the one recorded by the learned Addl. Sessions Judge, learned State counsel does not oppose the application being allowed.

Consequently, the application is allowed, subject to all just exceptions, with the aforesaid certificate dated 31.07.2020 ordered to be taken on record.

**CRM-M-38926 of 2020**

By this petition, filed under the provisions of Section 439 of the

Cr.P.C., the petitioner seeks the concession of regular bail, upon FIR no.195, dated 30.05.2020, having been registered at Police Station Dabua, District Faridabad, alleging therein the commission of offences punishable under Sections 363 and 366A of the IPC, with Section 6 of the Prevention of Children from Sexual Offences Act, 2012 added subsequently.

Learned counsel for the petitioner submits that admittedly the daughter of the complainant was 16 years and 9 months of age at the time of registration of the FIR, with she and the petitioner having solemnized a marriage also, in support of which he points to the photographs annexed with the petition.

He next submits that the petitioner therefore having been in custody for more than 7 months, with the trial still to virtually commence, no prosecution having been examined so far, he deserves to be admitted to bail.

Learned State counsel on other hand submits that the petitioner, who is 23 years old, having enticed away a minor girl, even if she is shown to have performed any marriage (with that fact still to be proved), he does not deserve to be admitted to bail.

Having considered the matter and looking at the fact that as per the learned counsel for the petitioner the girl also made a statement under Section 164 of the Cr.P.C., to the effect that she had willingly married the petitioner, without making any comment on the actual merits of the case, which would be gone into by the trial court on the basis of the evidence led before it, the present petition is allowed, with the petitioner ordered to be

enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate concerned.

07.01.2021  
vcgarg

**(AMOL RATTAN SINGH)**  
**JUDGE**

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