

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-39651 of 2020 (O&M)
Decided on:- February 05, 2021.

Sunehri Devi and another

.....Petitioners.

Versus

State of Haryana.

.....Respondent.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Sudhir Rana, Advocate
 for the petitioners.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video
conferencing due to outbreak of COVID-19.

CRM-2294-2021

Document Annexure P-2 is taken on record, subject to all just
exceptions.

CRM stands disposed of.

CRM-M-39651-2020

Petitioners, namely, Sunehri Devi and Satbir have filed this
petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.47
dated 01.02.2020 under Section 6 of the Protection of Children from Sexual
Offences Act, 2012 as well as Sections 9, 10 and 11 of the Prohibition of
Child Marriage Act, 2006 registered at Police Station Indri, District Karnal.

As per the FIR, the complainant, who was married with Mamu Ram, had three children from this wedlock. She had a dispute with her husband, about 13-14 years ago, she had started residing in her parental house. As the brother of complainant did not cooperate with her, she started living at Indri in a rented accommodation. Since there was some dispute between Sandeep and the daughter of complainant, the complainant scolded her daughter (victim) and for this reason, her daughter (victim) had left the house. Her search was made, but the victim could not be recovered. Presuming that her daughter must have committed suicide in anger, the complainant sat her house with this thought. However, a month before the registration of this case, the complainant received a call from her daughter (victim) wherein she (victim) informed that she left the home and went to her parental grand-parents, namely, Palu son of Gopi Kashyap, resident of Khurda, District Kaithal, where she stayed for about 15 days and she was married to Rakesh son of Lillu Ram Kashyap. She stayed there for about 6 months and she was being confined by her in-laws. She requested that she may be taken out of the hell. The complainant reported the matter to her husband so that the victim can be brought home. On this information, the husband of the complainant brought the girl (victim) back and left her with the complainant. On inquiry, she informed that her grand-father, namely, Pallu, his wife, uncle Vikram, uncle Monu, resident of Khurda, grand-mother Sunehri (petitioner herein) wife of Giani Ram and Satbir (petitioner herein) son of Giani Ram resident of Assandh got her married against her will after taking money from her in-laws. Now the daughter of the complainant has

been thrown out of her matrimonial home after giving beatings to her and after her being pregnant.

Learned counsel for the petitioner has argued that the petitioners are grand-mother and uncle of the victim respectively. They are in custody since 20.08.2020. At the most, the allegations against the petitioners are of commission of offence under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006.

Learned State counsel, on instructions from SI Jai Narain, does not dispute the custody of the petitioners. However, she submits that the petitioners are instrumental in getting the victim married against her will and they had a consideration and took money from the in-laws of the victim.

I have heard learned counsel for the parties.

The main accused Rakesh against whom there are allegations of sexual assault is in custody. The allegations against the petitioners are that they got the victim, who is a minor girl, got married against her will and took money from her in-laws, which is in violation of the Prohibition of Child Marriage Act, 2006.

The petitioners being in custody since 20.08.2020 and the conclusion of trial will take sufficient long time and considering the relationship of the petitioners with the victim, as they are grand-mother and real uncle of the victim, this Court deems it appropriate to admit the petitioners on bail.

Accordingly, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as any expression of opinion on the merits of the case. The trial Court shall decide the case without being influenced with these observations in any manner.

February 05, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No