

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

104+210

CRM-M-40670-2020 (O&M)

Date of decision: 04.03.2021

MANISH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Aditya Partap Singh, Advocate
for the applicant-petitioner.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video
conferencing.)

CRM-6191-2021

For the reasons mentioned in the application, the same is
allowed and statements of PW-1 prosecutrix and PW-2 complainant
are taken on record.

CRM-M-40670-2020

The petitioner has filed the present (first) petition under
Section 439 of the Code of Criminal Procedure, 1973 for grant of
regular bail in case FIR No. 0583 dated 30.09.2020 registered under
Sections 363 and 366-A of the Indian Penal Code, 1860 (for short 'the
IPC') and Section 6 of the Protection of Children from Sexual Offences
Act, 2012 (for short 'the 'POCSO') at Police Station Chandni Bagh,
District Panipat from which Section 366-A of the IPC was deleted and
to which Section 366 the IPC and Sections 9 and 10 of the Prevention

of Child Marriage Act, 2006 were added lateron.

The above said FIR was registered on statement of Mukesh @ Sapna-mother of the victim girl child. In the complaint mother of the victim girl child expressed her apprehension that her daughter victim girl child aged about 17½ years had been enticed away by the petitioner.

The petitioner being in custody since the date of his arrest has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel in terms of reply by Satish Kumar, HPS, Deputy Superintendent of Police, Head Quarter, Panipat in the Registry which is taken on record.

I have heard learned counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the victim girl child aged about 17½ years went with the petitioner out of her own free will and solemnized marriage with the petitioner on 30.09.2020. In her statement under Section 164 of the Cr. P.C. the victim girl child stated that she had gone with the petitioner out of her own free will. In her statement before the trial Court the victim girl child has stated that she instigated the petitioner to solemnized marriage with her by claiming her age to be 19 years. Mother of the prosecutrix has also given an affidavit that the victim girl child instigated the petitioner for solemnizing marriage with her and left with him out of her own free will. The victim girl child is now residing with the parents of the petitioner. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful

purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the petitioner is accused of having committed heinous offences. In view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view of the facts and circumstances of the case, nature of accusation against the petitioner, statement of the victim girl child under Section 164 of the Cr.P.C. and affidavit of mother of the victim girl child and also the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

04.03.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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