

CRM-M-43869-2020

Date of Decision : 11.01.2021.

Vikas

...Petitioner

Versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Rahul Deswal, Advocate for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. After arguing for some time, learned counsel for the petitioner states that in view of the affidavit given by the prosecutrix that she married the petitioner on 25.04.2019 out of her own free will and without there being any force, fraud or coercion, that she was more than 18 years of age on 25.04.2019 and that a girl child was born to the petitioner and the prosecutrix on 08.01.2020 but the FIR had been registered by the prosecutrix's mother on account of her being unhappy with the marriage of the petitioner with the prosecutrix, he may be permitted to withdraw the petition u/s 439 Cr.P.C with liberty to file a fresh application for regular bail before the learned trial Court, in view of affidavit of the prosecutrix dated 27.11.2020.

3. The same is not opposed by the learned DAG, Haryana.

4. Accordingly, in view of the position as noted above as well

Section 439 of Cr.P.C. is dismissed as withdrawn with the liberty as prayed for. Needless to mention in case an application for regular bail is moved by the petitioner before the learned trial Court, in view of affidavit of the prosecutrix dated 27.11.2020, the application for regular bail be considered and decided by the learned trial Court, in accordance with law, as expeditiously as possible, preferably within two weeks thereafter.

(B.S. Walia)
Judge

11.01.2021
'rajesh-ps'

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