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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21682-2022
Date of decision: 31.05.2022

IMRAN ANSARI

...Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ritesh Tomar, Advocate for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

Mr. Parmender Singh, Advocate for respondent No.2.

JAISHREE THAKUR, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.0015 dated 06.02.2019, under Section 376 of the IPC and Section 6 of the POCSO Act, registered at Police Station Kalka, District Panchkula, Haryana.

Learned counsel for the petitioner herein would contend that the present FIR came to be registered against the petitioner on a statement given by the mother of respondent No.2. In fact, the petitioner and respondent No.2 were in a relationship and the mother discovered the same on account of pregnancy of her daughter. It is argued that the petitioner is still ready and willing to marry the prosecutrix, who has in the meanwhile given birth to a baby girl, who is being looked after at the Nari Niketan, Panchkula. It is submitted that once the marriage is solemnized between the parties, they would be in a position to take their daughter back home from Nari Niketan, Panchkula.

Learned State counsel would oppose grant of bail to the petitioner by contending that the petitioner herein has been nominated as an accused under Section 6 of the POCSO Act but does not dispute the factual position.

Learned counsel for respondent No.2 would submit that the girl, who is now major, has no objection in case regular bail is allowed to the petitioner herein as compromise has been arrived at between the parties and they will solemnize the marriage, the minute regular bail is allowed to the petitioner.

I have heard learned counsel for the parties and have also perused the case file.

Keeping in view the facts and circumstances of the present case and respondent No.2 having given a categorical statement that she would have no objection if regular bail is allowed to the petitioner, since both the parties are contemplating to get married and will solemnize marriage on release of the petitioner, which in turn would enable them to take their baby girl home, who is currently being brought up in the Nari Niketan, Panchkula, by total strangers, the instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

Anything observed or said by this Court in this order is only for the purpose of deciding the instant petition and the same shall have no effect on the merits of the case.

31.05.2022

Chetan Thakur

*Whether speaking/reasoned
Whether reportable*

**(JAISHREE THAKUR)
JUDGE**

*Yes/No
Yes/No*