

SIDHANT DAHIYA

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.K.Dahiya, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

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VIVEK PURI, J. (ORAL)

Custody certificate has been taken on record.

The petitioner is seeking regular bail in case bearing FIR No. 163 dated 28.12.2021 under Sections 328, 376(2)(N), 506 IPC and 6 of Protection of Children from Sexual Offences Act, registered at Police Station Women, District Sonapat.

Learned counsel for the petitioner contends that even prior to the registration of FIR, the marriage of the petitioner was solemnized with the prosecutrix on 22.07.2021. The date of birth of the prosecutrix is 16.08.2002. After the dispute, the matter has been amicably settled between the parties, in terms of the Compromise/Mutual Agreement, Annexure P-4. Annexure P-2 is the certificate of marriage and the same has also been registered with the Registrar of Marriages and in this regard, Annexure P-3 is the certificate of registration of marriage. The petitioner and prosecutrix have earlier decided to dissolve the marriage as per the Compromise/Mutual Agreement, Annexure P-4. Subsequently, both of them have agreed to live together. The investigation of the case is complete and the challan

has been presented in the Court.

The complainant is also present in the Court and has placed on record her Aadhar Card. She has not assailed the aforesaid factual aspects.

Learned State counsel, on instructions of ASI Seema, has opposed the bail application on the score that there are serious allegations levelled against the petitioner.

Be that as it may, the dispute between the petitioner and prosecutrix has been amicably settled. The prosecutrix has attained the age of majority and thereafter solemnized marriage with the petitioner and they intend to reside together. The custody certificate indicates that the petitioner has undergone imprisonment for a period of 6 months and 15 days and is not involved in any other case. The investigation of the case is complete, the challan has already been presented in the Court and the conclusion of trial is likely to take some time. No fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

15.07.2022

Janki

(VIVEK PURI)
JUDGE

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