

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

CRM-M-28587-2022

Date of Decision:- 11.11.2022.

KULDEEP SINGH

....Petitioner.

Vs.

STATE OF HARYANA

...Respondent.

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Ajay Jain, Advocate for the petitioner.
Ms. Ambika Sood, Additional A.G., Haryana.
None for respondent Nos.2 and 3.

AMARJOT BHATTI, J. (Oral)

The petitioner has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.245 Dated 27.06.2021 under Sections 346, 376 (2) (N), 376(2) (H) IPC and Section 6 of POCSO Act, registered at Police Station Sadar Sirsa.

The brief facts of the case are:

Present FIR has been got registered on the basis of the statement of father of the victim namely Gurdayal Ram. He stated that his daughter i.e. victim was born on 22.09.2003. On 26.06.2021 at about 10 am she left the house for studying but did not return home. The complainant searched for the victim but could not find her. Ultimately the present case was registered. The victim was recovered on 22.07.2021 and her statement was got recorded under Section 164 Cr.P.C. where she claimed that she had left the house without telling anybody and started living with the petitioner i.e. the accused with her sweet will at Narnaul. They could not perform

marriage as she was less than 18 years of age. She expressed her desire to stay with the petitioner/accused.

Learned counsel for the petitioner argued that he is falsely implicated in this case. She left the house with her sweet will and at that time she was 17 years 10 months old. She was 7 months pregnant. They have not committed any offence. They wanted to marry with each other. Now the victim has given birth to a female child on 12.10.2021. He is in custody since 24.07.2021. The statement of the victim has been recorded by the trial Court. He will abide by the conditions of the bail. He prayed that his regular bail application may be allowed.

The bail application is opposed by the State on the facts that at the time of commission of alleged offence the victim was a minor, therefore, her consent does not carry any weight. The allegations against the petitioner are specific, therefore, his regular bail application may be dismissed.

I have considered the arguments and the facts stated in the case. From the facts of the case it is clear that challan is already presented before the Magistrate and the case is pending before Ld. Additional Sessions Judge, Fast Track Special Court, Sirsa. Learned counsel for the petitioner has also placed on record copy of statement of victim recorded as PW1 where she reiterated that she got married with Kuldeep and started residing with him. Her parents were aware of their marriage. She has given birth to a female child in October, 2021. In her statement as PW-1 she has not supported the prosecution version and was declared hostile. The statement of victim who is a material witness is already recorded and now she is major. The petitioner is in custody since 24.07.2021. Conclusion of the

trial may take sometime. Considering the aforesaid facts, no purpose would be served keeping the accused behind the bar for indefinite period, therefore, regular bail application filed by accused Kuldeep Singh is allowed to the satisfaction of trial court/Duty Judge.

11.11.2022

sandeep

(AMARJOT BHATTI)
JUDGE