

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

CRM-M-29325-2020

Date of Decision: 22.2.2022

Govinda @ Gobinda

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Deepak Sharma, Advocate, for the petitioner.

Mr. B.S. Virk, Deputy Advocate General, Haryana.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.111 dated 5.5.2018, registered under Section 506 IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012, at Police Station Pinjore, Panchkula.

As per factual matrix of the case, the FIR in question was lodged by the mother of the victim. It was alleged in the FIR that her daughter-victim (name concealed) used to work in the brick kiln, where the petitioner Govinda @ Gobinda was also working. The petitioner established physical relations with the victim as a result she became pregnant. On asking, the victim disclosed about the petitioner and told that he developed physical relations many times with her forcibly and under threat. The present FIR was lodged to take action against the accused. The petitioner was arrested on 5.5.2018. He approached the learned Additional Sessions Judge, Panchkula for grant of bail, who after hearing the parties, declined the same vide its order dated 20.8.2020. Aggrieved by the same, the petitioner approached this Court by way of filing the present petition for grant of regular bail.

Learned counsel for the petitioner has contended that during the pendency of the present petition, the petitioner was released on interim bail vide order dated 21.1.2021. He submits that the parties had compromised their dispute and the petitioner was to marry the victim, however, he could not perform marriage with her as he found the victim already having been married by her parents with some other boy. He submits that since his release on interim bail, the petitioner has never misused the concession of interim bail granted. The material witnesses already stands examined. He submits that the petitioner is a young boy and hence, the interim bail granted to him be confirmed.

Learned State counsel has submitted that the State has filed a status report by way of affidavit of Mukesh Kumar, HPS, Assistant Commissioner of Police, Kalka dated 28.10.2021, wherein it has been mentioned that the matter has been compromised, hence, the interim bail was granted by this Court. It is also mentioned that after release on interim bail by the petitioner, he found that the victim is already married with some other boy by her family members. He submits that out of total 11 prosecution witnesses, 6 witnesses already stands examined.

Heard.

The petitioner is on interim bail since 21.1.2021. The matter was compromised and the petitioner was expected to marry the victim, however, before his release, the victim, was already married with some other boy. There is nothing on record to show that the petitioner has ever misused the concession of interim bail granted by this Court. The material witnesses already stand examined. In view of the overall facts and circumstance, this Court finds it appropriate to confirm the interim bail

granted to the petitioner vide order dated 21.1.2021 during the pendency of the trial. The present petition is allowed and the order dated 21.01.2021 is confirmed.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

22.2.2022
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No