

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

CRM-M-47216-2021

Date of Decision: 29.03.2022

SHAKIR

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Nafeesh Ahmed, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking regular bail in case bearing FIR No.316 dated 26.09.2021 under Sections 363 and 366-A IPC, registered at Police Station Punhana, District Nuh.

Briefly, the case has been registered on the basis of the statement of father of the prosecutrix alleging that on 10.09.2021 at about 8:00 P.M., he had gone to offer Namaz and on return, he found the prosecutrix missing from the house. It was suspected that the petitioner has kidnapped her.

Learned counsel for the petitioner contends that the parties are governed by *Islamic Law*. The prosecutrix has solemnized *nikah* with the petitioner on 16.08.2021. Even in her statement under Section 164 Cr.P.C., the prosecutrix has also stated that she had left the house as her parents wanted to solemnize her marriage with someone else.

The bail application has been opposed on the score that the age of the prosecutrix at the time of occurrence was 17 years, 7 months and 25 days.

Be that as it may, the investigation of the case is complete, challan has already been presented and conclusion of trial is likely to take some. Furthermore, the prosecutrix has solemnized marriage with the petitioner and the parties are governed by *Islamic Law*. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Accordingly, without making any observations on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate.

29.03.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No