

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-49209 of 2021
Date of decision:11.01.2022

Sonia

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sandeep Kotla, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Section 439 Cr.P.C seeking grant of regular bail to the petitioner in case FIR No.626 dated 27.09.2021 registered under Sections 363, 366A, 342, 34 of Indian Penal Code, 1860 at Police Station Samalkha, District Panipat (Annexure P-1).

As per the case of the prosecution, FIR (Annexure P-1) has been registered on the complaint of father of the prosecutrix on the allegations that his school going daughter (name withheld), aged about 12 years has been enticed by Kapil on the pretext of marriage. On getting the information the complainant went to the house of Kapil. He saw that his daughter has been locked in a room by Kapil and his sister, Sonia (present petitioner) and they prevented him from opening the door.

Counsel for the petitioner submits that the petitioner is a 31 years old married lady and is the sister of the main accused, Kapil, who has been arrested and is in custody. He submits that sole allegation against the petitioner is that she had locked the victim in a room and did not let the complainant open it. By placing reliance upon the Marriage Certificate (Annexure P-3), counsel argues that the victim and Kapil had solemnized their marriage on 02.09.2021, much prior to the registration of the FIR. Still further, he submits that the marriage of the petitioner is at stake because of her custody. He asserts that as the investigation qua the petitioner has been completed and the petitioner, who has unblemished past, is no longer required for custodial interrogation, she deserves to be released on bail. He submits that the main accused has been arrested and is in custody.

Per contra, State counsel upon instructions from ASI Sukhanpal, submits that the victim is a minor girl and the petitioner has played an active role in helping her brother. Upon further instructions, she submits that challan has been presented on 24.11.2021 but the charge is yet to be framed. She has filed the custody certificate dated 10.01.2022, which is taken on record and states that the petitioner is in custody since 22.10.2021.

I have heard counsel for the parties.

Keeping in view the nature of allegation against the petitioner, who is a young lady, the period of custody and the fact that her marriage is probably in doldrums due to her incarceration, this Court is of the view that she deserves to be enlarged on bail.

Without delving into the merits or demerits of the arguments addressed by counsel for the parties, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

January 11, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes