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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.50234 of 2022 (O&M)

Date of decision: 24.11.2022

Mohit

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

CRM-44914-2022

Prayer in this application is for preponing the date fixed in
the main petition.

Heard.

For the reasons stated in the application, the same is
allowed and the main case is taken up today for hearing.

CRM-M-50234-2022

Prayer in this petition is for grant of regular bail to the
petitioner under Section 439 of the Code of Criminal Procedure (in
short 'Cr.P.C.') in FIR No.260 dated 01.07.2022, for offence punishable
under Sections 363, 366-A of the Indian Penal Code, 1860 (in short
'IPC') registered at Police Station Madlauda, District Panipat.

Counsel for the petitioner has submitted that as per the
allegations in the FIR, registered at the instance of Kuldeep, his

daughter 'J' (name not disclosed) was enticed away by the petitioner with intention to marry her and thereafter, they were searching for her.

Counsel for the petitioner has submitted that, in fact, on 11.07.2022, the petitioner and the girl, aged about 19 years, performed married in a Temple in Karnal, as per the Marriage Certificate (Annexure P-2). It is also submitted that thereafter, a protection petition was filed before the Sessions Judge, Karnal, in which it was stated that on account of being an inter-caste marriage, the parents of the girl are objecting to the same. Counsel for the petitioner has relied upon the order dated 11.07.2022, passed by the Sessions Judge, Karnal, vide which the petitioner as well as 'J' (the petitioners therein), were directed to appear before the SHO, Police Station Indri, Karnal, for taking necessary steps for protection of their life and liberty.

Counsel for the petitioner has further argued that during those proceedings, even the statement of the girl was recorded on 18.07.2022 by the Judicial Magistrate Ist Class, Panipat, under Section 164 Cr.P.C., in which she has stated that she is about 18 years of age and is married with the petitioner Mohit. It is also stated that she is 12th pass and is making the statement without any fear or pressure. It is further stated that she has left the home with the petitioner Mohit on 20.06.2022, for Shimla and thereafter, they came back and her family members are threatening her despite the fact that they have performed the marriage on 11.07.2022.

The statement of the girl was again recorded on 07.10.2022 under Section 164 Cr.P.C. i.e. after about 03 months, in which she again stated that she left the home on 20.06.2022 of her own will with the

petitioner Mohit and performed marriage on 11.07.2022, of her own will.

Lastly, counsel for the petitioner has argued that the petitioner is in custody since 07.10.2022 and is not involved in any other case and the case is still under investigation and challan is yet to be presented before the trial Court.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the aforementioned facts as well as the two statements of the girl recorded under Section 164 Cr.P.C., and also in view of the fact that the petitioner is in custody since 07.10.2022; he is not involved in any other case; the custodial interrogation of the petitioner is not required; the case is still under investigation and challan is yet to be presented, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

24.11.2022

yakub

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No