

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

CRM-M-24393 of 2023(O&M)

Date of Decision:18.05.2023

Himanshu Sharma

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr.Parveen Kumar, Advocate for the petitioner.
Mr.Ashok Singh Chaudhary, Addl. A.G., Haryana

SANJEEV PRAKASH SHARMA, J (ORAL)

This is a petition filed under Section 439 Cr.P.C. for seeking regular bail in FIR No.91 dated 04.03.2022 registered under Section 363, 366-A, 376 (3) IPC and section 6 of POCSO Act, 3 (2) (v) of SC/ST Act registered at Police Station P.S.Kunjpura, District Karnal.

Learned counsel for the petitioner submits that the prosecutrix and the petitioner were in love affair and the prosecutrix had herself left her own house and had come to the petitioner. There is no allegation by the prosecutrix against the petitioner having committed rape on her. Learned counsel for the petitioner has also pointed out to the statement made under Section 164 Cr.P.C. of the prosecutrix to submit that the prosecutrix wanted to get married to the petitioner. I have considered this suggestion.

I have also heard the learned State counsel who has pointed out that the prosecutrix was only 17 years 5 months of age and was therefore,

minor and the petitioner has entranced her. In her statement she had submitted that she had got married with the petitioner on 03.03.2022 i.e. when she was a minor girl. It is not the case where the parents of the prosecutrix has got her married. In fact it is apparent that the prosecutrix had sexual intercourse with the petitioner while she was minor and her consent would have no effect.

Keeping in view all the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner.

Petition is accordingly dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

18.05.2023

Raman

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No