

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31569-2023 (O&M)
Date of Decision : 21.07.2023

Sehwan and AnotherPetitioners

VERSUS

State of HaryanaRespondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

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

Ms. Mayuri Lakhanpal, DAG Haryana.

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ALKA SARIN, J. (Oral)

1. This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioners in FIR No.290 dated 20.05.2023 registered under Sections 346 of the Indian Penal Code, 1860 (Sections 120-B, 363, 366, 216 and 506 IPC added later on) at Police Station Mahesh Nagar, District Ambala.
2. Learned counsel for the petitioners would contend that this is a case of run-away marriage and that the girl, who was 19 years old, had run-away with the son of petitioner No.2 - Munni - and had in fact solemnized her marriage. The son of petitioner No.2 as well as the daughter of the complainant had also filed a protection petition bearing CRWP No.5770-2023 in this Court wherein vide order dated 08.06.2023 directions were issued to protect the life and liberty of the son of petitioner No.2 and the

daughter of the complainant. Learned counsel would further contend that petitioners have been roped in this case only because they are brother-in-law (Jija) and mother of the boy who has solemnized his marriage with the daughter of the complainant. Learned counsel has further contended that the boy and the girl are happily residing together and that the FIR has been lodged only because it is a case of inter-religion marriage.

3. Learned counsel for the State has filed a custody certificate. As per the custody certificate the petitioners have been in custody for a period of 01 month and 15 days. Learned State counsel, on instructions from Head Constable Ramesh Kumar, has stated that both the petitioners have clean antecedents. Further, the counsel for the State is not in a position to deny the fact that the son of petitioner No.2 and the daughter of the complainant have since solemnized their marriage and are residing happily together.

4. I have heard learned counsel for the parties.

5. In view the fact that the complaint has been lodged by the father of the girl, who has since solemnized her marriage with the son of the petitioner No.2, and the couple is residing together, no purpose would be served by keeping the petitioners in incarceration as the trial is likely to take some time to conclude.

6. Keeping in view the totality of the circumstances and without commenting upon the merits of the case, I deem this to be a fit case to grant the concession of regular bail to the petitioners. The petitioners are directed to be released on bail subject to their furnishing bail bonds and surety bonds

to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioners are found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off accordingly. Pending applications, if any, also stand disposed off.

July 21, 2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO