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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35524-2023 (O&M)
Date of decision : 28.07.2023

Shubham ... Petitioner(s)

Versus

State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sudhir Rana, Advocate for the petitioner.
Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.283 dated 16.07.2021 under Sections 363, 366-A and 372(2)(n) of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Madhuban, District Karnal.
2. In the present case the FIR was lodged on the complaint made by the parental grand-mother of the alleged victim. The victim in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973 (CrPC) did not support the version of the prosecution and stated that she had left the home on her own will and that she had married the petitioner

and was also expecting a child. The statement of the victim has since been recorded in Court wherein again she has stated that she had left the house of her grand-mother on her own accord and she had married the petitioner and now they had been blessed with a child on 12.08.2022. The DNA of the child has matched with that of the petitioner.

3. Learned counsel for the petitioner would contend that the petitioner and the victim had got married and had also been blessed with a child. It was further the contention that the petitioner has been in custody for a period of 11 months and 15 days and that he has absolutely clean antecedents.

4. Learned counsel for the State has filed the custody certificate and as per the custody certificate, the petitioner has been in custody for a period of 11 months and 15 days. Learned State counsel on instructions from ASI Pardeep is not in a position to deny the fact that the victim has not supported the case of the prosecution and that even in her statement recorded in Court she has stated that she had gone on her own free will with the petitioner and in fact she had got married to him and now had been blessed with a child.

5. Heard.

6. In the present case the petitioner has been in custody for a period of 11 months and 15 days. The statement of the victim has since been recorded and she has not supported the case of the prosecution rather she stated that she had gone on her own accord to meet the petitioner and that

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the petitioner and the victim had got married and had also been blessed with a child. The trial is likely to take some time to conclude.

7. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

8. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

9. 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.

10. Disposed off. Pending applications, if any, also stand disposed off.

28.07.2023

Yogesh Sharma

(ALKA SARIN)
JUDGE

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