

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**227****CRM-M No.39466 of 2023****Date of Decision : 18.08.2023**

Sagar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rajesh Tushar, Advocate for
Mr. Vikram 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.720 dated 20.08.2022 under Sections 363, 366 and 376(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 Chandni Bagh, Panipat, District Panipat.

2. Learned counsel for the petitioner would contend that on 20.08.2022, the date when the FIR was registered against the petitioner, the petitioner and the victim had solemnized their marriage. The victim was above 19 years of age at that point of time. Out of the wedlock a male child was also born on 28.05.2023. It has further been contended that the victim has since been residing in the house of the petitioner. Learned counsel for

the petitioner has further stated that the statement of the complainant has been recorded in Court and she has not supported the case of the prosecution.

3. Custody certificate filed by learned State counsel is taken on record as per which the petitioner has been in custody for a period of 05 months and 04 days. Learned State counsel is not in a position to deny the fact that the complainant has not supported the case of the prosecution. She is further not in a position to deny the fact that the victim had solemnized the marriage with the petitioner on 20.08.2022 and they have also been blessed with a male child.

4. Heard.

5. In the present case the complainant has not supported the case of the prosecution. Further, the victim herself had gone with the petitioner and solemnized her marriage with him on the date the FIR was lodged. The couple has also been blessed with the child.

6. In view of the above and without commenting upon the merits of the case, I deem 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 Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

7. 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.

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

18.08.2023
jk

(ALKA SARIN)
JUDGE

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