



CRM-M-37178-2024 (O&M) - 1-

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

210

CRM-M-37178-2024 (O&M)

Date of decision: 26.09.2024

AJAY

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWANPresent: Mr. Gaurav Tyagi, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.145 dated 19.07.2008 under Sections 366-A, 370, 376, 120-B IPC and Section 23 of the Juvenile Justice (Care and Protection of Children) Act, 2015 registered at Police Station Ganaur, District Sonapat.

2. Status report dated 16.09.2024 by way of an affidavit of Sandeep Singh, HPS, Assistant Commissioner of Police, Murthal, Sonipat along with the documents and custody certificate dated 24.09.2024 filed on behalf of the respondent-State are taken on record.

3. The allegations against the petitioner are that the petitioner along with the co-accused i.e. his father had purchased the minor victim for a sum of Rs.20,000/- and the petitioner had also performed marriage with the victim. The



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petitioner is however alleged to have kept the victim as wife for a period of 1 year. Thereafter, when the victim became pregnant, the petitioner eloped with another girl.

4. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody for more than 1 year. Investigation is complete and final report under Section 173 Cr.P.C. has been presented before the trial Court. The petitioner is ready to face trial. He further submits that the trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been made.

5. On the other hand, learned State counsel has opposed the bail petition on the ground of gravity of allegations against the petitioner.

6. I have heard the learned counsel for the parties and perused the relevant documents.

7. No doubt the petitioner is in custody for more than 01 year, however the FIR was registered on 19.07.2008 by the victim herself and she had supported the prosecution case in her statement recorded under Section 164 Cr.P.C. (Annexure R-2).

8. As per the radiological test of the victim, the bone age of the prosecutrix is more than 16 years and less than 18 years. It has also been noticed that the petitioner was declared proclaimed offender by the learned Sub Divisional Judicial Magistrate, Gaur vide order dated 10.01.2009. Thereafter, the father could be arrested on 21.09.2021 and subsequently the petitioner was arrested on 03.02.2023.

9. Keeping in view the allegations against the petitioner that he has allegedly purchased the minor victim for monetary consideration; when the minor



victim was pregnant, he left the house; and could only be traced out/arrested only on 03.02.2023, as such, no ground for grant of regular bail to the petitioner is made out.

10. However keeping in view the long incarceration of the petitioner, i.e. 01 year 07 months and 22 days, the trial Court is directed to expedite the trial and decide the same preferably within a period of 5 months on receipt of certified copy of this order.

11. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

12. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

26.09.2024
P.Bhatt

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