

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

6. CRM-M-48265-2023 (O&M)
Reserved on:13.08.2024
Date of pronouncement:22.10.2024

SONU

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Kartar Singh, Advocate
for the complainant.

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.14 dated 09.01.2023 under Sections 363, 366 IPC and Section 9 of the Child Marriage Prohibition Act, 2006, registered at Police Station City Fatehabad, District Fatehabad.

2. As per the prosecution version, the prosecutrix aged about 16 years was found missing from her residence, as such the matter was reported to the police by the father of the victim. Initially, the FIR was registered under Sections 363, 366 IPC on 09.01.2023. On 06.05.2023, the prosecutrix was recovered from Bihar from the possession of the petitioner and her statement was also recorded under Section 164 CrPC, wherein she stated that on 08.01.2023, she went out from

the house without telling anyone along with the petitioner and they reached Bihar on 10.01.2023. On 13.01.2023, the prosecutrix and the petitioner solemnized Court marriage. After 2-3 days, they went to Delhi and started residing there and thereafter they went back to Faridabad. The complainant has alleged that the age of the prosecutrix was 16 years at the time of the alleged occurrence. The prosecutrix was produced before the Medical officer, Civil hospital on 06.05.2023 but she refused for her internal medical examination.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case and the petitioner is in custody since 07.05.2023. In fact, the victim was being beaten up by the complainant and the petitioner had only helped her. The petitioner never solemnized any marriage with the victim nor the victim was taken away by the petitioner and in fact the victim had left her house as per her own will.

4. On the other hand, learned State counsel has opposed the bail petition on the ground of gravity of allegations against the petitioner. Learned State counsel has submitted copy of the statement of the prosecutrix recorded during the trial on 09.05.2024 and the same is taken on record. Learned State counsel has confirmed that the petitioner is in custody since 07.05.2023.

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

6. It is not disputed that the prosecutrix is minor. Her date of birth is 09.08.2007 as per the school record (Annexure R-1). The prosecutrix was 16 years of age at the time of the alleged occurrence. In the statement recorded under Section 164 CrPC, the prosecutrix has though alleged that she has solemnized marriage with the petitioner but the marriage certificate is not produced by either

of the parties. Later on she had denied having solemnized marriage with the petitioner in her statement recorded on 09.05.2024 during the trial. The prosecutrix has alleged that the accused took her to Delhi and thereafter took her to Bihar and got her signatures on her false documents showing her age to be major. The prosecutrix has also confirmed that on 06.05.2023, the police prepared a recovery memo which was signed by her and by the petitioner. The prosecutrix was recovered after about 5 months on 06.05.2023 from the custody of the petitioner and this fact has been confirmed in the status report dated 26.02.2024 filed by way of affidavit of Jai Pal Singh, HPS, Deputy Superintendent of Police, Hq. Fatehabad.

7. Keeping in view the age of the prosecutrix and the allegations that minor prosecutrix was recovered after a long period from other state i.e. the State of Bihar, at this stage, there is apprehension that in case, the petitioner is released on bail, he would flee away and would not attend the trial. The statements of the other private material witnesses are also yet to be recorded. In view of the facts and circumstances of the case, no ground is made out to release the petitioner on bail.

8. Consequently, the petition stands dismissed.

9. It is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

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

(HARPREET KAUR JEEWAN)
JUDGE

22.10.2024
P.Bhatt

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