

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60451-2023(O&M)
Date of decision: 13.03.2024

GAURAV SHARMA

.....Petitioner

versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Tarurag Gaur, Advocate &
Mr. Abhijat Gaur, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Parijat Gaur, Advocate
for complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed by the petitioner has been filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.608 dated 07.08.2023, under Sections 376(2)(n) and 506 IPC, registered at Police Station Surajkund, District Faridabad.

2. Counsel for the petitioner further submits vide order dated 11.12.2023, the petitioner was granted interim bail for a period of 15 days to perform marriage to the prosecutrix. Counsel for the petitioner further submits that petitioner had performed marriage with the prosecutrix on 17.12.2023 and in this regard, marriage certificate dated 17.12.2023 (Annexure P-6) and photographs are annexed herewith (Annexure P-7).

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3. Learned State counsel has filed custody certificate and status report by way of affidavit of Vishnu Parshad, HPS, Assistant Commissioner of Police, NIT Faridabad on behalf of respondent-State of Haryana along with Annexures R1 to R3 and the same is taken on record. Copy thereof has been supplied to the counsel for the petitioner. The learned State counsel, on instructions from ASI Anisha, submitted that challan has already been presented in the present case. All the material witnesses, including the prosecutrix, have also been examined.

4. I have considered the aforesaid contentions and perused the record.

5. The petitioner is in custody for a period of 06 months and 3 days as per the custody certificate. The investigation is complete. Challan has already been presented before the trial Court. The trial is going to take time. The prosecutrix is major. In her statement recorded under Section 164 Cr.P.C. (Annexure R-2), the prosecutrix has alleged that she was having friendship with the petitioner for the last four years and it was a love relationship. The petitioner had sexual relationship with her on the pretext of marriage. She wants to get married to the petitioner but the petitioner refused to get married. As per the status report dated 23.02.2024, the State has verified that the petitioner and the prosecutrix have now solemnized marriage on 17.12.2023 at '*Pracheen Guga Marhi Rama Krishna Mandir*', Sector 19D, Chandigarh, as per the marriage certificate (Annexure P-6). The statement of the prosecutrix has also been recorded by the investigating officer and verification of the marriage certificate has also been done as per the report (Annexure R-6).

6. Even as per the statement of the prosecutrix (Annexure R-3) and the statement of Kusum Devi, mother of the prosecutrix (Annexure R-4), the

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prosecutrix has confirmed the factum of solemnization of marriage with the petitioner and she has further alleged that she does not want to take any action in the present case.

7. Keeping in view the aforesaid facts and circumstances of the present case, without commenting on the merits of the case, I am of the considered opinion that no useful purpose will be served by keeping the petitioner in custody during trial. The present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

8. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

13.03.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No