

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-62275-2024 (O&M)
Date of Decision:-17.12.2024

Sumit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kuldeep Singh Siwach, Advocate for the petitioner.
Mr. Neeraj Sheoran, DAG, Haryana.

FIR No.	Dated	Police Station	Under Section/s
44	19.1.2024	Rania, District Sirsa	363, 366-A, 376(2)(n), 419, 420 of Indian Penal Code and Section 6 of Prevention of Children from Sexual Offences Act

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged at the instance of Hans Raj, wherein he got it recorded that his daughter aged about 16 years& 4 months was missing from the home.
3. Learned counsel for the petitioner submitted that as a matter of fact the petitioner and the complainant’s daughter knew each other pretty well, but the family of complainant did not approve of their relationship and were all out to cause harm to the petitioner as well to complainant’s daughter constraining the petitioner and complainant’s daughter to approach this Court seeking protection by way of filing CRWP-2532-2024, wherein certain directions were issued by this Court vide order dated 18.3.2024 (Annexure P-3). It has



further been submitted that subsequently the petitioner and complainant's daughter were found by the police on 6.9.2024 and ever since the petitioner has been in custody.

4. Learned counsel for the petitioner further submitted that upon recovery of complainant's daughter she was subjected to medical examination, wherein she clearly stated before the doctors concerned that she had been accompanying the petitioner out of her own free will and accord and that she had solemnized marriage with the petitioner. Learned counsel, in this regard, has drawn the attention of this Court to MLR (Annexure P-2). Learned counsel submitted that the statement of complainant's daughter was also recorded in terms of Section 183 BNSS on 6.9.2024, wherein also she did not say a word against the petitioner and categorically stated that she had solemnized marriage with the petitioner and wishes to live with him. Learned counsel further submitted that complainant's daughter even as on date has been residing with the family of the petitioner and presently is in family way.
5. Opposing the petition, learned State counsel submitted that having regard to the fact that complainant's daughter was a minor barely 16 years of age and was not even of marriageable, it is apparent that the petitioner had enticed away complainant's daughter taking advantage of her age and on account of the fact that she was not mature enough and, as such, the petitioner does not deserve to be release on bail.
6. This Court has considered rival submissions addressed before this Court.
7. The petitioner has been behind bars since September, 2024. The consistent stand of complainant's daughter has been that she had accompanied the petitioner out of her own free will and had also earlier approached this Court

seeking protection. In any case, challan already stands presented. Under these circumstance, further detention of the petitioner, who cannot be said to be a seasoned criminal, would not be justified.

8.
- The instant petition, as such, is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

17.12.2024

Geeta/P

(Gurvinder Singh Gill)

Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No