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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3035-2025
Date of decision: 14.02.2025

SHER SINGH

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

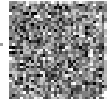
Present:- Mr. P. S. Sekhon, Advocate and
Mr. Bhupender Beniwal, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. Gaurav, Advocate
for respondent No.3.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure (Section 483 of the BNSS, 2023) for the grant of regular bail to the petitioner in FIR No.186 dated 18.05.2024, under Sections 363, 366, 376(2)(n) of the IPC and Section 6 of the POCSO Act, registered at Police Station Agroha, District Hisar, Haryana.
2. Learned counsel for the petitioner submitted that it is a case where although the allegations against the petitioner were that he had enticed away a minor girl of the age of 17 years but in fact the age of the girl was 19 years but wrongly recorded in the certificates. He further submitted that be that as it may,



even otherwise also after the aforesaid occurrence, marriage has been solemnized between the petitioner and the prosecutrix and the prosecutrix is more than 8 months pregnant and is also facing medical difficulties. He also submitted that even otherwise also, the prosecutrix is now a major even if assumingly at the time of occurrence she was 17 years of age and therefore, the petitioner may be considered for the grant of regular bail, although his custody is very less i.e. about 2 months.

3. On the other hand, Mr. Vishal Kashyap, DAG, Haryana submitted that the allegations against the petitioner were that he had enticed away a minor girl of the age of 17 years but he is not aware of the marriage, if at all, has taken place between the petitioner and prosecutrix. He also submitted that he is also not aware of the fact as to whether any compromise has been effected between the parties or not.

4. Mr. Gaurav, Advocate has put in appearance on behalf of respondent No.3-prosecutrix and has filed his power of attorney in the Court today, which is taken on record. He submitted that the compromise was effected between the petitioner and prosecutrix vide Annexure P-3 and respondent No.3-prosecutrix is also present in the Court today and he identifies her. He further submitted that he has taken specific instructions from the prosecutrix, who is present in the Court to state that marriage has been solemnized between the prosecutrix and the petitioner and she is more than 8 months pregnant. He also submitted that although the age of the prosecutrix was referred to as 17 years in the FIR but the actual age of the prosecutrix is 19 years and she has stated the same today in the Court as well.



5. After hearing the learned counsels for the parties, this Court is of the view that considering the aforesaid facts and circumstances, whereby the petitioner has married the prosecutrix and she is now a major and more than 8 months pregnant and the aforesaid fact has been stated by the prosecutrix herself in the Court today, the petitioner deserves the concession of regular bail.
6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.
7. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

14.02.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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