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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7544-2025
Date of decision: 14.02.2025

PARVEEN KUMAR

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

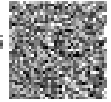
Present:- Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. Vatsal Raj, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

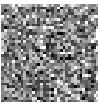
1. The present petition has been filed under Section 483 of the BNSS, 2023 for the grant of regular bail to the petitioner in FIR No.546 dated 01.10.2024, under Sections 137, 65(1), 87 of BNS, Section 6 of the POCSO Act and Section 10 of Child Marriage Act, registered at Police Station Sector 32-33, District Karnal, Haryana.
2. Learned counsel for the petitioner submitted that it is a case where the allegations against the petitioner were that he had enticed away a minor girl, whose age was stated to be 16 years and 2 months but in fact she was not a minor and was of the age of 19 years and she with her own will had accompanied the petitioner and thereafter, they got married to each other. He



further submitted that even a protection petition was also filed before this Court for seeking protection after the marriage was solemnized and even otherwise also, so far as the age of the prosecutrix is concerned, the documents attached alongwith the present petition as Annexure P-2 (Aadhar Card) and Annexure P-3 (PAN Card) show that she was a major and 19 years of age. He also submitted that even otherwise also, now the prosecutrix is of the age of 19 years and she has already married the petitioner and is about 7 months pregnant, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, DAG, Haryana submitted that the petitioner is in custody from 19.10.2024 and challan has been presented before the competent Court but charges are yet to be framed. He further submitted that so far as the age of the prosecutrix is concerned, she was about 15½ years old but the certificates which have been attached alongwith the present petition show her age as 19 years but as per his instructions, the prosecutrix was a minor.

4. Mr. Vatsal Raj, Advocate has put in appearance on behalf of the complainant-prosecutrix and has filed his power of attorney in the Court today, which is taken on record. He submitted that the prosecutrix is present in the Court today and he identifies her and he has specific instructions from her to state that the prosecutrix is 19 years of age and was not a minor at the time of occurrence. He further submitted that so far as the certificate as so relied upon by the prosecution is concerned, the same was not belonging to the prosecutrix because even the name of the father was wrongly mentioned in the aforesaid certificate. He also submitted that he has also been informed by the prosecutrix,



who is present in the Court that she has solemnized marriage with the petitioner and she is 7 months pregnant.

5. I have heard the learned counsels for the parties.
6. Considering the aforesaid facts and circumstances, whereby it has been so stated that the investigation of the case has already been completed and challan has also been presented before the competent Court and the prosecutrix, who is present in the Court and so identified by the learned counsel for the complainant has specifically stated before this Court that she is 19 years old and has solemnized marriage with the petitioner and is also 7 months pregnant, this Court is of the view that considering the aforesaid facts and circumstances and without going into the issue as to what was the age of the prosecutrix at the time of occurrence considering the overall totality and circumstances, the petitioner deserves the concession of regular bail.
7. 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.
8. 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