



CRM-M-65166-2024

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

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Date of Decision:- 03.04.2025

Murad Ali

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Sanjiv Kumar Aggarwal, Advocate,
Mr. Ojas Bansal, Advocate,
Mr. Nissim Aggarwal, Advocate and
Mr. Tejas Bansal, Advocate for petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Ms. Rajni Bala Rohilla, Advocate for
Mr. Arun Chander Sharma, Advocate for complainant.

AMARJOT BHATTI, J.

1. Petitioner – Murad Ali has filed present 2nd petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.165 dated 18.08.2022 (Annexure P-1), under Sections 363 and 366-A (Sections 323, 342, 365, 376(2)(n) of IPC, Section 6 of POCSO Act and Sections 9 and 10 of Prohibition of Child Marriage Act were added later on; Sections 363 and 366-A of IPC were deleted), registered at Police Station Sadar Panipat, District Panipat.

2. The facts of the case are complainant who is grand-father of the victim gave his statement that on 17.08.2022 at about 8:30 PM his grand-daughter i.e. victim 'R' aged about 16 years went to a nearby tubewell to



fetch water along with his another grand-daughter 'K'. When 'K' returned home, she told that a boy namely Masu @ Fariad resident of a Dera near Jamuna river allured the victim and took her along with him. They tried to search the victim but could not locate her. Thereafter, the matter was reported to the police.

Subsequently, the victim was recovered and her statement was recorded under Section 164 Cr.P.C. She was medically examined. Accused was also arrested. After completion of investigation, challan was presented in the Court.

3. Learned counsel for petitioner argued that petitioner was in a relationship with the alleged victim and they got married on 22.08.2022 at Ambala Cantt. with their own free will. Typed copy of *Nikahnama* is Annexure P-2. Thereafter, apprehending threat to their life and liberty, they approached this Court seeking protection by filing CRWP-8144-2022 which was decided on 26.08.2022 (Annexure P-3). The alleged victim had given her affidavit in the said criminal writ petition (Annexure P-4). The victim had changed her version under pressure. Co-accused Shami and Shareefa were granted regular bail by Coordinate Bench vide order dated 10.10.2023 (Annexure P-6). Co-accused Laikat Ali was also granted regular bail in CRM-M-57850-2023 on 22.11.2023 (Annexure P-7). Regular bail application filed by the petitioner has been wrongly declined by learned Additional Sessions Judge, Fast Track Court (POCSO), Panipat vide order dated 21.10.2023 (Annexure P-8). Earlier, petitioner had filed regular bail bearing CRM-M-17353-2024 which was declined on 15.07.2024 (Annexure P-9). Petitioner is behind the bars since 25.12.2022. He is ready to abide by



the terms of bail order. It is prayed that his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. Detailed status report has been filed. During investigation of the case, birth record of the victim was procured from the school, according to which, her date of birth is 07.11.2006 and at the time of alleged occurrence, she was 15 years, 09 months and 11 days old. School leaving certificate is Annexure R-1. The victim was recovered on 25.12.2022 along with the petitioner from a hut situated at Village Sherpur Belha, Police Station Khanpur, District Haridwar, Uttarakhand. Her pregnancy test report was found to be positive. Copy of MLR is Annexure R-2. Statement of the victim was recorded under Section 164 Cr.P.C. (Annexure R-3) where she levelled allegations against the petitioner that her marriage was performed with him forcefully. After completion of investigation, challan was presented and prosecution evidence is being recorded. The prosecutrix is examined as PW-1 where she has fully supported the allegations. Considering the gravity of offence, regular bail petition is strongly opposed.

5. I have considered the arguments and have gone through the record. The facts of the case indicate that at the time of alleged occurrence, victim was less than 16 years of age. Petitioner has been charge-sheeted under Section 6 of POCSO Act and Sections 363, 366, 376-DA, 376(3), 376(2)(n) of IPC. Learned counsel for petitioner has relied upon one copy of Nikahnama (Annexure P-2) as well as order dated 26.08.2022 in CRWP-8144-2022 (Annexure P-3) supported by affidavit (Annexure P-4) where the age of victim 'R' was mentioned as 20 years whereas according to school



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leaving certificate, she was less than 16 years of age. I have also considered the statement of the victim recorded under Section 164 Cr.P.C. as well as the statement of the victim recorded as PW-1 where she supported the prosecution version. Present petitioner is the main accused. Allegations are specific and serious in nature. Other witnesses are yet to be examined. Considering the aforesaid factual position, I do not find merits in the 2nd regular bail petition filed by petitioner and the same is accordingly declined.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

03.04.2025

Sunil Devi

(AMARJOT BHATTI)
JUDGE

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