



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

214

CRM-M-20343-2026

Date of Decision: 19.05.2026

SAGAR

....Petitioner

VERSUS

STATE OF HARYANA

....Respondents(s)

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present : Mr. Sanchit Punia, Advocate for the petitioner.

Mr. Sunil Ranga, DAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (earlier Section 439 of Cr.P.C.) for grant of regular bail to the petitioner in case FIR No.356 dated 04.08.2023, under Sections 346, 376(2)(n), 498-A of IPC (corresponding Sections 127(2), 64(2)(m), 85 of BNS Act) and Section 6 of Protection of Children from Sexual Offences Act, 2012 and Sections 9, 10, 11 of Prohibition of Child Marriage Act, 2006 registered at Police Station Agroha, District Hisar.

2. Learned counsel for the petitioner submits that this is a peculiar case wherein the FIR was lodged by the husband of the prosecutrix alleging that she was missing from the matrimonial home. It is pertinent to note that the age of the prosecutrix was mentioned as 24 years in the FIR. The FIR was lodged on 04.08.2023 and, subsequently, the prosecutrix was recovered on 16.09.2023. Thereafter, the prosecutrix made a statement before the Legal Aid Counsel, Hisar, wherein it was alleged that she was below 18 years of age when her parents had forcibly married her to the complainant-Monu.



She further stated that she was being physically violated against her will and was also subjected to beatings, due to which she ran away from the matrimonial home and came to the petitioner, whom she knew prior to her marriage. The prosecutrix specifically stated that she wishes to live with the petitioner. Learned counsel vehemently emphasized on the statement recorded under Section 164 Cr.P.C. wherein the prosecutrix maintained same stand and levelled allegations against her husband, and further stated that she was happily living with the present petitioner.

3. Learned counsel submits that the petitioner was arrested on 24.08.2025 and submits that there are material contradictions between the version of the complainant and the statements of the prosecutrix.

4. Learned State counsel has vehemently argued that the victim was around 16 years and 06 months of age on the alleged date of occurrence, but could not explain why no FIR was lodged against the parents of the prosecutrix for solemnizing a child marriage with the complainant. Learned counsel further submits that the prosecutrix herself is not consistent in her stand, as in one statement dated 16.09.2023, it is submitted that the prosecutrix wishes to live with the petitioner, whereas in the statement recorded under Section 164 of Cr.P.C. dated 17.09.2023, she submits that she wishes to live with her parents.

5. Learned State counsel has filed status report by way of affidavit of Kishori Lal, HPS, Deputy Superintendent of Police, Agroha, Hisar on behalf of respondent-State in Court today along with custody certificate, which are taken on reocrd. As per custody certificate, petitioner is in custody for last 08 months and 25 days.



6. Heard learned counsel for the parties at length and have gone through the record carefully.

7. Considering the fact that the petitioner is a young boy aged about 22 years, has clean antecedents, and that the investigation has already been completed coupled with the fact that the petitioner has got stuck in between the matrimonial discord between prosecutrix, her husband and their respective parents and the trial is likely to take considerable time, therefore, no useful purpose would be served by keeping the petitioner in custody. Accordingly, the petitioner is held entitled to the concession of regular bail.

8. In light of above, without commenting upon the merits of the case, the present petition stands allowed and the petitioner is ordered to be released on bail, if not required in any other case, on furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. The petitioner shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. The petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii. The petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- iv. The petitioner will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also. However, in case the petitioner does not possess a passport, then he shall file an undertaking to the said effect before being released.



The petitioner shall abide by the terms and conditions as imposed in addition to Section 483 of BNSS, 2023.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and this order shall not be considered as parity qua any other co-accused in any manner whatsoever.

10. It is further made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

11. Pending application(s), if any, shall stand disposed of.

(ALOK JAIN)
JUDGE

19.05.2026
Deepak Patwal

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| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable | Yes/No |