

Law Today Live Doc. Id. 15170

PUNJAB AND HARYANA HIGH COURT

Before: Harnaresh Singh Gill, J.

CRM-M-14476-2020 (O & M)

Decided on: 29.07.2020

Arjun

Petitioner

Versus

State of Haryana

Respondent

Alongwith

CRM-M-14261-2020 (O & M), Arun v. State of Haryana

Present:

Mr. Lalit Kumar Yadav, Advocate, for the petitioners in both the petitions.

Mr. Apoorv Garg, DAG, Haryana.

Code of Criminal Procedure, 1973 (2 of 1974), Section 439 -- Protection of Children from Sexual Offences Act, 2012 (32 of 2012), Section 6 -- Indian Penal Code, 1860 (45 of 1860), Sections 363, 366-A, 368, 376(2) (n), 120-B -- Rape case -- Minor girl aged 15 years -- Compromise between parties -- Regular bail -- Statement u/s 164 Cr.P.C., the victim has stated that she had left the house alongwith accused of her own and they had established physical relations with each other -- She also stated that she wanted to marry with accused -- Interim bail for a period of one month to perform marriage with the victim granted -- Marriage with the victim solemnised on 21.07.2020 -- Petitioners (Husband and brother-in-law) have been in custody since January, 2020, challan has already been presented -- Victim and her parents have given statements in favour of the petitioners -- Trial of the case would take time to conclude -- Ordered to be released on bail.

(Para 3-11)

HARNARESH SINGH GILL, J. (ORAL) –

1. Case is being taken up for hearing through video conferencing.

CRM-18192-2020 in CRM-M-14476-2020 and

CRM-18249-2020 in CRM-M-14261-2020

2. Allowed as prayed for. Annexure P-3(colly.) is taken on record in both the petitions, subject to all just exceptions.

Main cases:

3. This order of mine shall dispose of CRM-M-14261-2020, filed by petitioner-Arun, and CRM-M-14476-2020, filed by petitioner-Arjun, under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No.838 dated 03.11.2019, registered at Police Station Bhiwani City, District Bhiwani, under Sections 363, 366-A, 368, 376(2) (n) and 120-B IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

4. As per the prosecution version, complainant, father of victim, got the above-noted FIR registered on 03.11.2019 with a suspicion that accused-Arjun had taken away his 15-year old daughter. During the investigation, on 06.01.2020, father of the victim himself appeared before the police and filed an application thereby stating that accused, Arjun had confined his daughter with the help of his relative, Arun, co-accused, in a room at Gurgaon. Accused-Arun was arrested on 07.01.2020 and had suffered his disclosure statement. Accused-Arjun was also arrested and he also suffered a disclosure statement that he had taken away the victim on 02.11.2019 to Gurugram where they started staying at the house of co-accused, Arun, who is his brother-in-law.

5. In her statement under Section 164 Cr.P.C., the victim has stated that she had left the house alongwith accused, Arjun of her own and they had established physical relations with each other. She also stated that she wanted to marry Arjun.

6. Vide orders dated 23.06.2020, the petitioners had been granted interim bail for a period of one month as petitioner-Arjun wanted to perform marriage with the victim.

7. Learned counsel for the petitioners submits that petitioner-Arjun performed marriage with the victim on 21.07.2020. This assertion is also supported by the certificate and photographs, Annexure P-3(colly.). He further submits that in compliance of the order dated 27.07.2020 passed by this Court, the petitioners surrendered before the Judicial Magistrate on 28.07.2020.

8. On the other hand, learned State counsel does not dispute the fact that the victim in her statement under Section 164 Cr.P.C. stated that she wanted to marry accused-Arjun and that petitioner-Arjun had performed marriage with the victim. The statements of parents of victim have also been recorded to this effect.

9. I have heard the learned counsel for the parties.

10. The petitioners have been in custody since January, 2020. The challan has already been presented. The victim and her parents have given statements in favour of the petitioners and Arjun(one of the petitioners) has performed marriage with the victim. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioners behind the bars.

11. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, both the petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

12. Nothing stated above shall be construed as an expression of opinion on the merits of the case.

Petitions allowed.
