

CRM-M-52547 of 2024 **1**

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

210

CRM-M-52547 of 2024

DATE OF DECISION :- 28.04.2025

Shitij

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

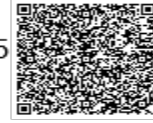
Present:- Mr. Sunny Tyagi, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.490 dated 20.11.2023, under Sections 363, 366 IPC, registered at Police Station Tehsil Camp, District Panipat.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner is in custody from 23.06.2024 and after completion of investigation and framing of charge, five witnesses have been examined in the present case however the complainant and the victim has not been examined. He submitted that as per the allegation the petitioner has taken away the minor niece of the age of 17 years of the complainant and therefore the present FIR was registered. He submitted that it is case of love relationship between the petitioner and the aforesaid girl and rather they had now got married on 13.06.2024 after attaining the age of majority by the girl.

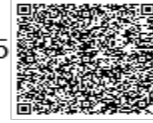
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He further submitted that even at the time of the registration of the FIR and the incident the niece of the complainant was minor even as per the date of birth which has been mentioned in the FIR to be 12.09.2005. Although the same was later on disputed by the prosecution on the basis of birth certificate but the fact remains that the petitioner and the niece of the complainant have already got married and five witnesses have already been examined and considering the aforesaid facts and circumstances the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana appearing on behalf of the State of Haryana submitted that the petitioner is in custody from 23.06.2024 which is almost 10 months and five witnesses have been examined. He, however, submitted that since at the time of incident the girl was minor, the petitioner does not deserve the concession of regular bail.

4. I have heard learned counsels for the parties.

5. The petitioner is stated to be in custody for about 10 months and five witnesses stand examined. As per learned counsel for the petitioner, the petitioner and the victim girl have already got married with each other on 13.06.2024. As to whether the aforesaid girl who is niece of the complainant was minor at the time of registration of FIR can be seen only at the time of trial. Otherwise the date of birth of the niece of the complainant is mentioned to be 12.09.2005 in the FIR itself. Further more, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may abscond or flee from justice or influence the witnesses. Considering the totality of facts and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

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6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety 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 merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

28.04.2025

P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No