



212

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31459-2025
Date of decision: 04.07.2025

RAJAT

...Petitioner(s)

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Randeep Singh, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. C. S. Bakhshi, Advocate for respondent No.2.
(Through Video Conferencing)

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.195 dated 03.05.2024, under Sections 363, 366, 376(2)(n), 467, 468, 471, 420 of the IPC and Section 6 of the POCSO Act, registered at Police Station Nissing, District Karnal, Haryana.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for 1 year and 1 month and the victim-girl has already been examined. He further submitted that as per the allegations against the petitioner, it has been so incorporated in the FIR itself that the victim-girl, who is the daughter of the complainant was of the age of 18 years and she had gone missing and the apprehension was that she had gone away with the present petitioner. He further submitted that the daughter of the complainant was major at the time when she



solemnized marriage with the petitioner at a temple in Jammu and in this way, it was a case of consent between the parties and therefore, no offence was made out. He also submitted that the petitioner has already faced incarceration for more than 1 year and the material witnesses have been examined and therefore, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, DAG, Haryana submitted that it is correct that the petitioner is in custody for 1 year and 1 month and the victim-girl has been examined. He further submitted that although it has been so stated in the FIR by the complainant that the age of the victim-girl was 18 years but as per the birth certificate, her age was 17 years and the petitioner and victim-girl got married at a temple in Jammu on the basis of fabricated documents and therefore, the allegations against the petitioner are serious in nature.

4. Mr. C. S. Bakhshi, learned counsel for respondent No.2 has joined the proceedings through video conferencing and submitted that the petitioner committed fraud and forgery with the daughter of respondent No.2-complainant by fabricating certificates and thereafter, solemnized marriage with her at a temple in Jammu. He further submitted that the age of the victim-girl was 17 years and not 18 years and therefore, the petitioner does not deserve the concession of regular bail.

5. I have heard the learned counsels for the parties.

6. It is a case where the petitioner is in custody for 1 year and 1 month. The present FIR was lodged by the complainant, who is the mother of the victim-girl by alleging that her daughter was missing from home and the



petitioner, who belongs to the same area was also missing. The age of the daughter of the complainant is stated to be 18 years in the FIR. It has been stated by the learned counsels for the parties that the petitioner and the daughter of the complainant have already got married to each other. So far as the objection raised by the learned State counsel as well as learned counsel for respondent No.2 that the marriage was solemnized after fabricating some documents pertaining to the age is concerned, the same cannot become a ground for denial of regular bail to the petitioner because that would be a subject matter of the trial. However, at this stage, the total incarceration of the petitioner is stated to be 1 year and 1 month and the victim, who is the daughter of the complainant stands examined and therefore, this Court is of the considered view that 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.

(JASGURPREET SINGH PURI)
JUDGE

04.07.2025
Chetan Thakur

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