

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

CRM-M-24256 of 2015
Date of Decision: 30.07.2015

Gaurav

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. Deepender Singh, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana assisted by
ASI Parveen Kumar.

SNEH PRASHAR, J.

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of concession of regular bail to the petitioner in case FIR No. 215 dated 03.05.2015, under Sections 363,366-A of the Indian Penal Code registered at Police Station, Kotwali, District Faridabad Haryana.

2. On 03.05.2015, Raju Sharma (complainant) reported to the police that during the night intervening 2/3.05.2015 when he was sleeping in his house alongwith his children, he was informed by his son Sanjay at about 1:00 am that his daughter Radha was missing. On inquiry he came to know that his neighbour Gaurav s/o Rameshwar Daya was also not in his house. The complainant suspected that Gaurav had taken away his daughter with an intention to marry her.

3. Learned counsel for the parties have been heard.

4. Prosecutrix Radha was produced before Area/Magistrate who recorded her statement under Section 164 Cr.P.C. She stated that

on 03.05.2005 in the morning at about 2:30 am, she had gone to the house of Gaurav without telling anyone. Since her brother Monu came to know and told about the same to her father she ran away. Gaurav took her to her paternal aunt's house and when she refused to keep her, he left her at the railway station where her mother came with the police and brought her home. She specifically stated that she had left her house on her own volition as she was feeling harassed from her father and brother.

5. Prosecutrix in her statement recorded by Magistrate under Section 164 Cr.P.C. *prima facie* did not attribute any role to the petitioner during the occurrence when she left her parental home. She categorically stated she left the house out of her free will.

As submitted, the final report /challan after completion of investigation has already been filed by the police. The petitioner is in custody since 04.05.2015.

6. Taking into considerations the facts and circumstances of the case, the fact that trial is still likely to take time and there is no plausible ground to detain the petitioner in custody, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is released on bail subject to his furnishing bail/surety bonds, to the satisfaction of trial Court/Duty Magistrate, Faridabad.

July 30, 2015
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(SNEH PRASHAR)
JUDGE