

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-8536 of 2015

Date of decision : March 26, 2015

Amit

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. H.S.Saini, Advocate, for the petitioner

Mr. Deepak Sabharwal, Addl. AG Haryana

Fateh Deep Singh, J. (Oral)

In the present petition under Section 439 Cr.P.C. seeking grant of regular bail to the petitioner, the allegations against the petitioner are that on 6.11.2014, he enticed and took away daughter of complainant Rai Singh who was aged around 17 years 2 months and was subsequently apprehended on 11.12.2014. Learned State counsel has fairly conceded at the bar that offence under section 376 IPC stood deleted and at present only section 366-A IPC and section 4 of the Protection of Children From Sexual Offences Act, 2012 have been slapped on him. As has been argued by petitioner's counsel, in the statement dated 12.11.2014 recorded under section 164 Cr.P.C. before ACJM Karnal, the girl does not attribute any role to the petitioner and rather has shown her willingness in accompanying him for a rendezvous. Thus, a debatable issue has arisen as to the applicability of section 4 of the the Protection of Children From Sexual Offences Act, 2012 and that of section 366-A IPC.

However, without going into the merits of the case, in the light of the fact that trial is not likely to conclude in the near future and the

petitioner is in custody, this Court is of the opinion that further detention of the petitioner in the present case is not warranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Karnal.

The present petition stands disposed off accordingly.

March 26, 2015
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(Fateh Deep Singh)
Judge