

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-9419 of 2015

Date of decision : March 27, 2015

Rakesh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. GS Sidhu, Advocate, for the petitioner

Mr. Deepak Sabharwal, Addl. AG Haryana

Fateh Deep Singh, J. (Oral)

Petitioner Rakesh in this case who is in custody since 2.5.2014 has sought regular bail.

As has been brought to the notice of this Court, during the intervening night of 20/21.4.2014 around 2.00 AM, the prosecutrix who is aged around 16 years on her own left the house and eloped with the accused. It is vehemently contended by the petitioner's counsel Sh. GS Sidhu that in her statement under section 164 Cr.P.C. made before learned JMIC, Sirsa on 2.5.2014 Annexure P/1, she has not attributed any role to the petitioner in the commission of offence and rather had shown her willingness and there is no element of ravaging/rape and subsequently even

in her statement under section 161 Cr.P.C. dated 2.5.2014 made before the police Annexure P/2, there is no allegation against the petitioner except that both of them had gone to facilitate their marriage which could not succeed. Learned State counsel fairly concedes at the bar that from what has come in the investigation at this stage, nothing is suggestive as to the applicability of offence under section 376 IPC.

Without commenting on merits of the case, in the light of the fact that trial is not likely to conclude in the near future, 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, Sirsa.

The present petition stands disposed off accordingly.

March 27, 2015
'tiwana'

(Fateh Deep Singh)
Judge