

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

CRM-M-34609-2017 (O&M)
Date of decision : 09.10.2017

Monu @ Mohan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rohit Rana, Advocate,
for Mr. Kunal Dawar, Advocate,
for the petitioner.

Ms. Dimple Jain, AAG, Haryana
assisted by ASI Amar Singh.

Mr. Sanjeev Roy, Advocate/amicus curiae,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.182 dated 15.05.2017, registered under Sections 363, 366, 376 and 452 of the Indian Penal Code, at P.S. Hathin, Palwal.

Contentends that the parents of the prosecutrix wanted to marry her against her wishes and she approached the petitioner for help. She left the family of her own on 08.05.2017 and remained with the petitioner without any protest till 22.05.2017. He further states that false implication of the petitioner is made out from the statement of the prosecutrix recorded under Section 164 Cr.P.C., wherein, she has specifically stated that she was brought back by her father and uncle, whereas, as per the case of the prosecution, she was recovered from outside the school. Further contends that despite availing several opportunities, the prosecutrix has not been

appearing before the trial Court for recording her statement. On the last date of hearing, the trial Court was constrained to issueailable warrants against the prosecutrix.

On the other hand, learned State counsel is unable to controvert the submissions made by learned counsel for the petitioner.

In view of the above, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

09.10.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No