

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

**CRM No.M-46272 of 2016
Decided on: 13.01.2017**

Anil

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Pankaj Mehta, Advocate
for the petitioner.

Mr. Karan Singh, AAG, Haryana
assisted with ASI Neterpal, P.S. City, Hisar.

REKHA MITTAL, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') for offence punishable under Sections 346, 363, 366-A of the Indian Penal Code (in short 'IPC') registered in Police Station City Hisar, District Hisar.

Counsel for the petitioner has submitted that the alleged kidnapped girl aged about 17½ years and a student of class 9th has stated in her statements recorded under Section 161 and 164 Cr.P.C. that she voluntarily went with Anil and wanted to perform marriage with him. It is further submitted that the petitioner is in custody since 26.08.2016 and after investigation of the case challan has been presented, therefore, there is no possibility of his tampering with the prosecution evidence in case released on bail. It is further submitted that conclusion of trial is likely to take its own time and the petitioner is ready to face the proceedings without any default.

Counsel for the State has not disputed factual assertions

but opposed the bail application. However, it is submitted that as per the school certificate, victims' date of birth is 04.10.2000 before she was less than 16 years on the date of occurrence.

I have heard counsel for the parties and perused the paperbook.

Indisputably, on completion of investigation challan has been presented in the Court. The alleged victim got recorded her statement before the police as well as the Judicial Magistrate that she had left the house according to her volition and wanted to perform marriage and reside with Anil. Conclusion of trial is likely to take its own time, without commenting upon merits of the case, the petitioner is ordered to be released on bail subject to furnishing bail bonds to the satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and*
- (ii) He shall not leave India without the previous permission of the Court.*

13.01.2017
yakub

(REKHA MITTAL)
JUDGE

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