

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

CRM-M-19019-2018 (O&M)

Date of Decision: 29.05.2018

Phul Kumar @ Sethi

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Rajwant Singh Chahal, Advocate
for the petitioner(s).

Ms. Mahima Yashpal, A.A.G., Haryana
assisted by ASI Bhagat Ram.

ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No.82 dated 11.12.2017, registered under Sections 365 & 366-A of IPC (now charge framed under Section 4 of POCSO Act also) at Police Station Women, District Fatehabad.

Learned counsel for the petitioner contends that the victim is 17 years old and there are no allegations of rape in the MLR and even in her statement under Section 164 Cr.P.C. there were no allegations of rape and the case had been adjourned on the last date of hearing to enable the victim to make her statement in the Court but the officer was on leave and therefore the statement could not be recorded and the allegations are that the petitioner had kidnapped the girl along with one more person.

The victim is over 17 years, she refused to get her medical done and in her statement under Section 164 Cr.P.C. she did not make allegations of rape. She was missing from the house on the intervening night of 10/11.12.2017 at about 2.30 a.m. She was found in the nearby fields on the next morning. The FIR had been registered by the parents that she had been enticed with a purpose to get her married.

The trial would take time. Without commenting anything on the merits of the case, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing surety and adequate bonds to the satisfaction of the trial Court/Duty Magistrate.

May 29, 2018

ps-I

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No