

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

**CRM-M-20438-2018 (O&M)  
Date of Decision: 12.09.2018**

Mohit

....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

Present: Mr. D.S. Matya, Advocate  
for the petitioner(s).

Mr. Tanuj Sharma, A.A.G., Haryana.

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**ANITA CHAUDHRY, J**

Petitioner is seeking regular bail in FIR No.305 dated 13.07.2017, registered under Section 6 of POCSO Act at Police Station Sector-40, District Gurugram.

The father of the complainant had been called as on the last date, it had been stated that the prosecutrix was missing from her house since March 2018.

The petitioner is in custody since 13.07.2017. The girl was recovered from the custody of the petitioner. The victim made a statement in favour of the petitioner. Challan was presented and charge was framed on 16.09.2017. The prosecutrix was not being produced and the case was being adjourned from May, 2018 to enable the victim to make a statement. On the last date, it was informed that the girl was missing.

The father of the prosecutrix states that daughter is missing and he suspects the petitioner.

Counsel for the petitioner contends that the petitioner is in custody.

Learned State counsel informs that the complainant had not suspected anyone and the girl was also carrying a mobile. The victim is missing from the house for over 5 months. The FIR was lodged by the father 3 months after the girl went missing.

The trial would indeed 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 bail bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate with a condition that the petitioner would not contact the victim or her family nor tamper with evidence.

**September 12, 2018**

*ps-I*

**(ANITA CHAUDHRY)  
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No