

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

**CRM-M-21079-2018
Date of Decision: 06.09.2018**

Nirmal Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Manish Soni, Advocate
for the petitioner(s).

Mr. Arun Kumar, A.A.G., Haryana
assisted by ASI Kundan.

ANITA CHAUDHRY, J

Petitioner is seeking regular bail in FIR No.497 dated 30.08.2017, registered under Sections 363, 366-A IPC and Section 6 of POCSO Act at Police Station Sector-5 Gurugram, District Gurugram.

Learned counsel for the petitioner contends that two girls were missing since 29.08.2017 and the complainant had suspected Amit and his friend Nirmal and that they had been enticed with the intention of marriage. Counsel submits that Amit was a tenant in the house and Nirmal-petitioner is his friend and the allegations are that the petitioner had enticed Laxmi but the girl had made a statement under Section 164 Cr.P.C. in favour of the petitioner and she refused her medical and charge has been framed.

Counsel further submits that service is not being effected on the witness and the case is being adjourned time and again. Counsel states that the petitioner is in custody since 11.09.2017.

The petitioner is in custody since 11.09.2017. Charge had been framed in December, 2017 but till date not a single witness has been examined. Summons are being returned unserved each time. Counsel for the petitioner had also referred to the affidavit given by the parents. In the statement made under Section 164 Cr.P.C., the girl had not made any statement against the petitioner. She had also refused her medical.

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 bail bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate with a condition that the petitioner would not tamper with the evidence and stay away from the complainant's family.

September 06, 2018

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**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No