

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

CRM-M-37105-2018

Date of decision:-11.9.2018

Amit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Rohit Chaudhary, Advocate
for the petitioner.

Ms.Aditi Girdhar, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Amit– an accused in FIR No.24 dated 30.1.2018, under Sections 363.366-
A/506 IPC and Section 6 of POCSO Act, registered at Police Station
Tigaon, District Faridabad.

Briefly stated, the facts of the case as per prosecution story
are that the victim aged about 17 years daughter of Mehar Chand son of
Yadram, resident of village Bhainsrawali, Police Station Tigaon,

Faridabad, a student of 11th class in Government School of that very village had left home for school on 29.1.2018, however, she did not return home after school hours; that her family members searched for her but she could not be located. On a written complaint submitted by Mehar Chand father of the victim, formal FIR was recorded. Investigation in the case started. The victim was recovered on 12.2.2018. In her statement under Section 164 Cr.P.C., she stated that on 29.1.2018 at 9:00 a.m. while she was going to school, then she was intercepted by Amit and Sonu, who offered to arrange her meeting with her brother Arun, an absconder in a murder case; the victim refused to go along with Amit and Sonu, thereafter, both of them put a cloth on her mouth, as a result, she became unconscious; she was taken to house of Sonu at Delhi; that after about two days a separate room was taken on rent, where the victim was shifted, then after 3-4 days, she was taken to Jammu, where they stayed for a few days returning on 10.2.2018 and Sonu took a room on rent; the police conducted a raid and recovered the prosecutrix from there. However, in her statement made earlier to the police on that very day, she had stated that Sonu and Amit had enticed her away taking her to Delhi on the pretext of marriage. The petitioner/accused was arrested in this case on 13.2.2018. He had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Faridabad vide order dated 19.7.2018, as such, he has approached this Court with the same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

The victim in this case is a minor girl, who had been kidnapped by the petitioner and his co-accused on the pretext of marriage and arranging meeting with brother of the victim, who was an absconder. The challan against the petitioner/accused has been filed in the Court. The trial is going on, which is likely to be concluded in near future. The guilt of the accused shall be determined during the trial. The apprehension expressed by the State counsel that if petitioner is granted bail, there is every likelihood to his absconding and even tampering with the prosecution evidence cannot be brushed aside lightly.

Therefore, finding no merit in the petition, the same stands dismissed.

11.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No