

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

CRM-M No.48739 of 2018

Date of decision: 3rd December, 2018

Krishan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

This order shall dispose off second regular bail application of Krishan filed under Section 439 Cr.P.C. in case bearing FIR No.258 dated 30.05.2018 under Sections 363, 366-A, 506, 34 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station City Narnaul, District Mahendergarh (Haryana), the earlier one having been dismissed as withdrawn on 25.07.2018 awaiting presentation of challan.

Present case was got registered by one Vinod Kumar, father of the girl who was aged around 17 years at the time of this occurrence on 25.05.2018. In his application he alleged that his daughter had eloped while they were not at their home, with co-accused non-applicant Parveen, leading to registration of the present case and arrest of the petitioner on 25.06.2018. The girl was apprehended on 13.06.2018 and is

presently residing in Nari Niketan, Karnal as she has refused to accompany her parents. The allegations against the petitioner are that he has only been instrumental in dropping the couple at the bus stand at Bachod, Narnaul.

Learned counsel for the petitioner at the very onset has sought to argue that no specific role is attributed to the petitioner in commission of the offence and that even after recovery of the girl and arrest of the principal accused non-applicant, the girl has refused to accompany her parents, is in itself suggestive that it was on account of love affair, the couple had married and that the petitioner is behind bars for more than five months.

On behalf of the State, Mr. Baljinder Singh Virk, Deputy Advocate General, Haryana on instructions from SI Lal Singh, Police Station City Narnaul has sought to stoutly oppose the grant of bail on the grounds that at the time of commission of offence, the girl was a minor and that in view of the heinousness of the offence and seriousness of allegations, the petitioner is not entitled to any relief.

Appreciating the arguments, the factual scenario as is sought to be projected by the two sides unfailingly leads to irresistible conclusion that the girl on account of her relationship with the principal accused, has married him and has even refused to accompany her parents. The role assigned to the petitioner Krishan in commission of the offence is not significant and he has already undergone incarceration for more

than five months. Culpability, if any, shall be determined at the trial, which is not likely to conclude in near future, thus this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody any more in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Narnaul. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 3, 2018

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No