

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

Criminal Misc. No.M- 49319 of 2017(O&M)

Date of Decision: April 2 , 2018.

Raju @ Gordhan

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Navneet Jindal, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Deepam Raghava, Advocate for
Mr. Sanjiv Aggarwal, Advocate
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.99 dated 23.04.2017 under Sections 366/376(2)(n)/120B IPC, registered at Police Station Sadar Dabwali.

It is submitted that the petitioner has been falsely implicated in this case. As per allegations in the FIR, which was registered on the statement of the

father of the alleged victim, information was given regarding the victim missing from her house on 21.04.2017. As per the prosecution case, the victim was recovered on 22.05.2017 from the Bus Stand of village Goluwala in the State of Rajasthan. The victim in her statement under Section 164 Cr.P.C. recorded on 22.05.2017 stated that the petitioner came to their house with her maternal aunt (Massi) on 10.03.2017. Thereafter, they developed friendly relations. The petitioner called the victim to village Sangaria (Rajasthan) on 20.04.2017 with an allurement of marriage. It is stated that the victim went to village Sangaria by bus, from there they went to Ganganagar and took a room on rent at Ganganagar. They stayed there for five nights. The petitioner, it is alleged, developed physical relations with the victim. When the victim asked for marriage, he fraudulently arranged her marriage with one Indraj. The petitioner asked the victim to stay with Indraj for one month and thereafter he would take her back. It is alleged that the petitioner as well as the victim's maternal aunt (Massi) lied to her. Thereafter her family members took the phone number of the petitioner from her maternal aunt (Massi) and the victim was taken back to home by her family members.

Learned counsel for the petitioner submits that the prosecutrix has since deposed before the learned trial court. Certified copy of the statement of the prosecutrix (PW7) was taken on record on 21.03.2018. It is vehemently argued that the prosecutrix in fact got married with Indraj and was living with him. There is nothing on record to suggest any element of force or false assurance by the present petitioner. The said Indraj has not been arrayed as an accused or even a witness in this case. Reference is made to document dated 26.04.2017,

wherein it is mentioned that marriage between the victim and Indraj was solemnized on 16.04.2017. It is urged that the petitioner, who has been in custody since 03.06.2017 is not involved in any other criminal case. The petitioner undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the complainant and the State have opposed this petition, though it is not denied that marriage of the victim was solemnized with one Indraj. The victim went missing on 21.04.2017 and was recovered from Rajasthan on 22.05.2017. It is not denied that at that time she was living at the house of Indraj, though it is sought to be explained that the victim was told by the petitioner to live in the said house.

Learned counsel for the State, on instructions from HC Balohar Singh, verifies that the petitioner is not involved in any other criminal case. It is not denied that the victim in this case has since testified before the learned trial court. It is stated that out of twenty three (23) prosecution witnesses, three (3) were given up and only five (5) have been examined. Trial in this case is not likely to conclude in the near future. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant or prosecutrix/any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

April 2 , 2018.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No