

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-497 of 2019 (O&M)
Date of decision : January 15, 2019

Somvir

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Jai Bhagwan Sharma, Advocate, for the petitioner
Mr. Amrik Narwal, DAG Haryana for the State

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Somvir in this first regular bail application filed in case FIR No. 291 dated 11.10.2018, under Sections 363/366-A IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (later on added), Police Station Kheripul Faridabad, have been levelled by Durjan Singh complainant, father of the girl aged around 17 years (as per the documentary proof admitted by the State counsel). In the allegations the complainant alleges that on 11.10.2018 his daughter had left her home on her own and since was not traceable, the present case was

got registered and as a consequence of which the petitioner was arrested on 14.10.2018 leading to the recovery of the girl.

Mr. Jai Bhagwan Sharma, learned counsel for the petitioner submits that the stand of the girl before the learned Judicial Magistrate Ist Class in her statement made on 14.10.2018 under Section 164 Cr.P.C. does not level any insinuation against the petitioner and rather has submitted that she has left for Noida on her own and returned back. The petitioner is behind the bars since a long time.

Learned State counsel on instructions from ASI Sunil Kumar though does not disputes the factual scenario but has opposed the grant of bail on the grounds of heinousness of crime and seriousness of allegations.

Going through the submissions, the own stand of the girl made before the Court in her statement under Section 164 Cr.P.C. does not level any allegation against the petitioner nor any role is attributed to him in the commission of offence. Even the very factum of FIR got lodged by the father of the girl is merely on the basis of suspicion. Without feeling the necessity to advert on the merits else it may prejudice the case of either party, keeping in view that the petitioner is behind the bars since a long time and the trial is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be

released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Faridabad.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

January 15, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No