

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-743 of 2019 (O&M)
Date of decision : January 16, 2019

Promila

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Dheeraj Narula, Advocate, for the petitioner
Mr. Baljinder Virk, DAG, Haryana for the State
Mr. Munish Raj, Advocate for
Mr. Sushil Verma, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

This order shall dispose of first bail application of accused petitioner Promila filed in case FIR No. 120 dated 17.8.2018, under Sections 363, 366-A IPC (Offences under Sections 328, 451, 506, 443, 506, 376(2)(n), 376-D IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 added lateron), Police Station Nathu Sarai Chopta, District Sirsa.

The present case was got registered by Jai Singh father of minor unmarried girl aged around 16 years 8 months alleging that her daughter who had passed 10th class on 16.8.2018 vanished from her home

and subsequently the present case was got registered against Hasan Khan who is alleged to have eloped with the girl and from whose custody the girl was recovered on 26.8.2018 leading to his arrest on the same very day.

Mr. Dheeraj Narula, counsel for the petitioner inter-alia contends that it was a voluntary act of girl who is nearing majority and that in her first statement under Section 164 Cr.P.C. no role has been attributed to the petitioner and subsequently belatedly on 5.10.2018 in subsequent statement under Section 164 Cr.P.C. her name has been cropped up and only allegation against the petitioner is that she was instrumental in helping the principal accused to elope with the girl and that the petitioner is behind the bars since a long time.

Learned State counsel on instructions from ASI Shamsheer Singh, Police Station Nathu Sarai Chopta has sought to oppose the grant of bail on the grounds that a minor girl was made to elope with the principal accused and in which the petitioner has a specific role to play which has come up in the subsequent statement of the girl and therefore, in view of the heinousness of the crime dis-entitles her to any relief.

Appreciating the submissions it is the own stand of the State that after almost 01 month and 14 days name of the petitioner has come up in the subsequent statement of the victim. The learned State counsel fairly concedes at the bar that the only role attributed to the petitioner is that she was facilitator of this elopement though to the specific query of the Court could not give out the details of her participation. The petitioner who is a

lady is behind the bars since a long time and culpability if any shall be determined at the trial which is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail. Accordingly, she is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Sirsa.

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 16, 2019
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>