

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-1940-2019

Date of Decision:05.03.2019

Aliyas

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Suneel Ranga, Advocate,
for the petitioner.**

Mr. Manish Bansal, D.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

Petitioner-Aliyas has approached this Court by way of present petition filed under Section 439 Cr.P.C. read with Section 482 Cr.P.C. for grant of regular bail in FIR No.133 dated 08.07.2018 under Section 365 IPC (the offence punishable under Section 365 IPC was deleted later on and challan was presented under Sections 363, 366-A, 120-B, 376(2) IPC and Section 4 of the POCSO Act), registered at Police Station Sanoli, District Panipat.

Learned counsel for the petitioner has argued that the aforesaid FIR was registered at the behest of Babu son of Mangta. As per FIR on 07.07.2018, the complainant was sleeping with the family in his house. At about 03.00 AM, when he woke up, he did not find his daughter Sakira aged about 12 years on her bed. He searched her in home and outside, but she

was not found anywhere. Thereafter, he has come to know from some persons that his daughter was called from the house on some pretext by the petitioner and his wife Rihana, who have handed over his daughter to his nephew Sadik son of Jakir and two other persons after giving some intoxicants.

Statement of the victim was recorded under Section 164 Cr.P.C., wherein she has stated that on 07.07.2018, she had asked Sadik who is living in her neighbourhood and her friend for the last about 1½ years that they should go somewhere outside. Sadik took her to his sister's house in Uttar Pradesh. After leaving the prosecutrix there, he came back to Garhi Besak. He has taken the prosecutrix with him with the intention of marrying her. He has further argued that there is no allegation against the petitioner that he has ever enticed the prosecutrix. In the statement recorded under Section 164 Cr.P.C., the allegation if any is against Sadik. The co-accused Rihana has already been admitted on bail by this Court vide order dated 20.12.2018 passed in **CRM-M-55225-2018 (Rihana Versus State of Haryana)**. Petitioner is in custody since 06.09.2018.

Learned State Counsel on instructions from ASI Rajbir Singh states that role attributed to the petitioner is serious. He was instrumental in enticing the prosecutrix and it is for this reason, the offence punishable under Section 120-B IPC has also been added in the case.

Heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 06.09.2018 and in the statement recorded under Section 164 Cr.P.C., the prosecutrix has not made any specific allegation against the petitioner, coupled with the fact that co-accused Rihana, who is similarly placed and

wife of the petitioner, has been admitted on bail by this Court vide order dated 20.12.2018, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

March 05, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No