

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-12285 of 2019

Date of Decision: March 25, 2019

Sumit

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Manish Soni, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

The allegations against petitioner-Sumit in this first regular bail application filed under Section 439 of Cr.P.C. in FIR No. 577 dated 29.10.2018 under Sections 323, 506, 509 and 34 IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Dharuhera, District Rewari have been levelled by the father of the girl aged around 16 years alleging that on 30.09.2018 around 09.00 a.m., their daughter, the present victim had disappeared from their home leading to the registration of

the present case. Consequent upon the recovery of the girl on 01.10.2018, her statement under Section 161 Cr.P.C. was got recorded and, thereafter, on 04.10.2018 her statement under Section 164 Cr.P.C. was also recorded and, subsequently, on propping up of the name of the petitioner, he was arrested on 30.10.2018.

Mr. Manish Soni, learned counsel for the petitioner submits that the petitioner is not named in the FIR and it is the own stand of the complainant/father that she disappeared from her home. It has been stressed by the counsel for the petitioner that in her statement under Section 161 Cr.P.C. (Annexure P-2), the prosecutrix has not attributed any role to the petitioner and same is the situation in her statement under Section 164 Cr.P.C. (Annexure P-4) where it only finds mention that co-accused also forced her and he is also hauled up in the case. It is contended that the petitioner is behind the bars for more than 5 months and the trial is not likely to be concluded in near future.

On behalf of the State Mr. Amrik Narwal, DAG, Haryana assisted by ASI Anil Kumar does not displace the facts brought to the notice of the Court by the learned counsel for the petitioner but has opposed the grant of bail on the grounds of seriousness of allegations.

Going through the submissions, it is the own stand of the prosecution that the petitioner is not named in the FIR nor in initial statement under Section 161 Cr.P.C. made on 1.10.2018 and it is only

subsequently on 04.10.2018 in her statement under Section 164 Cr.P.C. a passing reference is given to the petitioner, which is not of much consequence.

In view of the fact that the petitioner is behind the bars for more than five months coupled with the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future, this Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

March 25, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No