

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-13515 of 2019

Date of Decision: April 04, 2019

Ajay

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

Petitioner Ajay in this first regular bail application under Section 439 Cr.P.C. moved in case No. 257 dated 31.10.2018 under Sections 363 and 366-A IPC and Section 67 of IT Act registered at Police Station Siwani, Haryana was arrested on the allegations of Suresh Kumar father of a girl aged around 17 years and a student of 10th class. It is stated by the complainant that on 31.10.2018 around 3.00 a.m., the accused had enticed and taken away her daughter alongwith Rs.2,00,000/- and had clicked her obscene photographs and

uploaded the same on the whatsapp leading to arrest of the petitioner on 29.11.2018.

Shri Johan Kumar, learned for the petitioner *interalia* contends that the petitioner is behind the bars since a long time and has sought to place reliance on the statement under Section 164 Cr.P.C. of the prosecutrix recorded by the learned SDJM, Siwani, whereby, the girl had admitted that she was in a relationship with the petitioner and wanted to undergo marriage with the accused and had gone on her own consent and prayed for grant of the bail.

Learned State counsel Mr. Amrik Narwal, DAG, Haryana assisted by SI Ashok Kumar, Police Station Siwani has opposed the bail on the ground that if allowed bail, the petitioner who is in custody would stifle the trial and during the investigation the obscene photographs taken into possession and together with the fact that the victim being a minor and the seriousness of the allegations disentitles the petitioner to any relief.

Appreciating these submissions of the two sides. It is the own stand of the victim in her statement under Section 164 Cr.P.C. made before a Judicial Court that she has left at her own with the accused and intends to solemnize marriage. She has not levelled any allegations against the petitioner. It is duly admitted by the learned State counsel that the girl has even refused to undergo medico legal examination. The petitioner is behind the bars since long.

In these peculiar circumstances further keeping the petitioner behind the bars would be not in the fitness of the things further 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.

April 04, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No