

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-13742 of 2019

Date of Decision: April 03, 2019

Ravinder @ Binder

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Sukesh K. Jindal, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

Petitioner-Ravinder @ Binder who has come up before this Court in this second regular bail application under Section 439 Cr.P.C. filed in FIR 250 dated 04.05.2018, admittedly, has been declared to be a major by virtue of his mental age. The brief allegations levelled by Naresh complainant father of the girl aged around 16 years as stated in the statement of the father and the statement of the girl made at various stages though disputed by the State by the learned State counsel. It is alleged that on 03.05.2018

daughter of the complainant had gone out of the home on her own and, thereafter, did not return back and apprehending that she might have been kidnapped, the present case was got registered and, subsequently, on 05.05.2018, she was recovered leading to the arrest of the petitioner on 07.05.2018.

Mr. Jindal, learned counsel for the petitioner *interalia* contends that the own stand of the girl made in her statement under Section 161 Cr.P.C. Annexure P-3 and subsequent statement made before the learned Chief Judicial Magistrate Panipat Annexure P-4 states that she had on her own free and sweet will accompanied the petitioner as she was in love with him and wanted to solemnize marriage with him and that there is no medical evidence otherwise and claimed that petitioner is behind the bars for more than 12 months.

Mr. Amrik Narwal, DAG, Haryana on the instructions of ASI Jai Ram though does not displace the facts brought to the notice of this Court by the learned counsel for the petitioner but has opposed the grant of the bail on the ground that she is less than 16 years of age and seriousness of the allegations disentitle the petitioner to any relief.

Going through the submissions, the own stand of the father, the victim girl is shown that she was 16 years of age. The statements of the girl Annexure P-3 and Annexure P-4 bear out that she has left her home at her own free will with the petitioner, wherein, she claims that they were in a relationship though there is nothing

supportive and the fact that the girl has been juvenile. Thus, a debatable issue as to offence under Sections 363, 366-A IPC arises.

Keeping in view the fact that the petitioner is behind the bars since a long time and 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 03, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No