

**216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-32080-2018

Date of decision: January 30, 2019

Rajesh @ Raji

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. S.S. Duhan, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana.

RAJ SHEKHAR ATTRI, J.(ORAL)

The present petition has been filed under Section 439 read with Section 482 of Code of Criminal Procedure for grant of regular bail to petitioner-Rajesh @ Raji in case FIR No.88 dated 30.04.2018 registered for the offences punishable under Sections 363, 366-A of Indian Penal Code, 1860 (for short, "IPC") and Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2) (v) of Scheduled Castes and Scheduled Tribes Act at Police Station Sadar Narwana, District Jind.

The FIR was lodged by the father of the prosecutrix with regard to missing of his daughter, aged about 16 years. Initially, the FIR was registered under Section 346 IPC. Subsequently, the prosecutrix was recovered. She was produced before the learned magistrate where she suffered a statement under Section 164 Cr.P.C. to the effect that she has gone with the petitioner by her own and that petitioner never induced her nor kidnapped her. She has categorically stated that in fact she had a quarrel with her mother, therefore, she left her house.

Now final police report has been submitted. Both the parents of the prosecutrix have been examined. They stated that the prosecutrix had a quarrel with her mother and she left the house in rage without informing them and next day, she returned. He categorically stated that nobody enticed the prosecutrix rather, she left her house due to anguish. She categorically stated that petitioner is not responsible for going her from the house. Petitioner is in custody since 07.05.2018. It will take time to conclude the trial.

Without expressing any opinion on merits of the case and the fact that conclusion of trial will take considerably long time, no useful purpose would be served by detaining the petitioner behind the bars, therefore, the present petition is allowed. Petitioner is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the court.

January 30, 2019

m. sharma

(RAJ SHEKHAR ATTRI)

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No