

219.

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

CRM-M-21642-2019

Date of decision:16.05.2019

SANDEEP

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Naveen Kashyap, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.104 dated 31.12.2018 registered under Sections 363, 365 of IPC and Section 12 of Protection of Children from Sexual Offences Act, 2012 at Police Station GRP Panipat, District Panipat.

As per the FIR, the minor daughter of the complainant, aged about 14 years was studying in a Government School, Panipat. Petitioner and Surjeet used to harass her on her way to school. She made a complaint to the teacher as well but no action was taken against the accused. Complainant also visited her school and apprised the teacher of the situation, but no action was taken against the accused. Thereafter a complaint was made to the police. Police had called the boys and matter was patched up. On the same day, accused again threatened the complainant and his family

members to kidnap their daughter. On 28.10.2018, when complainant and

his daughter were at Railway Station, petitioner who is a friend of Surjeet came to his daughter and had taken her out to the railway station, where Surjeet was already waiting on a motorcycle. Thereafter, Surjeet has gone on his motorcycle along with the victim.

Learned counsel for the petitioner states that the victim has already been recovered. She has made a statement under Section 164 Cr.P.C. before the learned Judicial Magistrate 1st Class, Panipat wherein she has stated that on 28.12.2018, she left with Surjeet out of her own free will and does not want to stay with her parents. He further states that allegation, if any, is against Surjeet. Even otherwise, the petitioner is in custody since 01.01.2019 and the trial in the case will take sufficient long time.

Learned State counsel, on instructions from SI Ishwar Singh, states that the petitioner has initially approached the victim and took her outside the railway station where Surjeet was already waiting and in this manner, the petitioner facilitated her enticing away with Surjeet. Thus, he does not deserve the concession of bail.

I have heard learned counsel for the parties.

The prosecutrix has admittedly gone with Surjeet, the other co-accused.

Considering the fact that the petitioner is in custody since 01.01.2019 and the trial in the case will take long time, 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 his furnishing 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 influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

16.05.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No