

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-26065 of 2019 (O&M)
Date of decision : July 04, 2019

Satish @ Sheeli

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Balraj Gujjar, Advocate, for the petitioner
Mr. Baljinder Virk, DAG, Haryana for the State with
ASI Suresh Kumar, PS Lakhanmajra, District Rohtak

Fateh Deep Singh, J. (Oral)

Petitioner Satish @ Sheeli has sought regular bail in case bearing FIR No. 247 dated 9.10.2018 under Sections 363, 366-A, 376 IPC and Section 4 of POCSO Act, Police Station Lakhan Majra, District Rohtak.

The present case was got registered on the allegations of mother of a girl aged around 16 years alleging that on 9.10.2018 her daughter disappeared and suspected role of the accused-petitioner in her enticement leading to the recovery of the girl on 12.10.2018 and arrest of the petitioner on 13.10.2018.

Mr. Balraj Gujjar, learned counsel for the petitioner has submitted that consequent upon recovery of the girl, she has made statement under Section 164 Cr.P.C. before the learned Judicial Magistrate, Meham that she has left her home on her own after some dispute with her mother and that no wrong was committed to her by any one and that there is nothing substantial on the record to show that the girl was defiled and prayed that since the petitioner is behind the bars since a long time, entitles him to bail.

Mr. Baljinder Virk, DAG, Haryana, has not controverted the factual aspect that has been argued by the counsel for the petitioner but has opposed the grant of relief on the ground that the girl was a minor and in view of seriousness of the allegations disentitles him to any relief.

The admitted stand of the State that the girl consequent upon her recovery on 12.10.2018 had appeared before the learned JMJC Meham and made statement under Section 164 Cr.P.C. denying the allegations and stated that it was because of fight with her mother she has left her home and that she was never defiled by any one and there is nothing brought to the notice of the Court to support the allegations of the prosecution to this aspect. Thus, a debatable issue arises over the very applicability of Sections 363, 366-A, 376 IPC which can only be adjudicated at the time of trial. No useful purpose will be served by keeping the petitioner behind the bars. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Rohtak.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

July 04, 2019
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>