

221.

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

CRM-M-28988-2019

Date of decision:16.07.2019

LUKMAN @ RUKMAN

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Yashveer Kharb, 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, pending trial, in case FIR No.23 dated 14.02.2019 registered under Section 365 of IPC (Sections 376, 506 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012, added lateron) at Police Station Sanoli, District Panipat.

The aforesaid FIR was registered at the behest of Akhtar (father of the prosecutrix, aged 17 years, who left her home on 13.02.2019) with the apprehension that she has been kidnapped and confined by some unknown person. However, she was recovered by the police on 14.02.2019 and her statement under Section 164 Cr.P.C. was recorded wherein she had stated that she was not happy with her family members and went away from house to the fields. She had gone at her own.

Counsel for the petitioner has argued that the police has

conducted investigation and an application for discharge of the petitioner

was also moved by the prosecution which is still pending consideration. He states that the petitioner in custody since 19.03.2019 and the trial is not likely to be concluded in the near future.

Learned State counsel, on instructions ASI Sri Krishan, does not dispute the custody. However, she states that earlier also, an FIR No.265 dated 24.12.2018 under Sections 363, 366-A of IPC, Police Station Sanoli, District Panipat, was registered at the behest of complainant wherein cancellation report was filed.

I have heard learned counsel for the parties.

Taking into consideration the fact that earlier also, similar FIR was registered at the behest of the prosecution and noticing the fact that the victim has made statement under Section 164 Cr.P.C. not supporting the case of the prosecution, coupled with the fact that after conducting investigation in the matter, the police has filed discharge application, this Court finds that culpability of the petitioner is yet to be established during the trial.

Accordingly, without observing anything on the merits of the case, 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.

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

16.07.2019

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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No