

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-32575-2019 (O&M)

Date of Decision:-29.10.2019

Akshay

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. J.P. Jangu, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana,
assisted by HC Sunder.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.88 dated 22.4.2019 at Police Station Badhra, District Charkhi Dadri under Sections 363 and 366-A of Indian Penal Code and Section 8 of POCSO Act, 2012.
2. The FIR was registered at the instance of Bhopal, wherein it has been alleged that on 21.4.2019, when he alongwith his wife returned back home after harvesting wheat crop, they found that their daughter aged about 15 years was missing. Upon inquiries made from the neighbourhood, they came to know that she had left house at about 11:30 A.M. while carrying a black coloured bag. The complainant suspected that some unknown person had allured his daughter on the pretext of solemnizing marriage with her.
3. The learned counsel for the petitioner has submitted that the FIR came to be lodged on the basis of suspicion and that subsequently upon recovery of

complainant's daughter, her statement was recorded before a Counselor of District Child Protection Unit, Bhiwani, wherein she categorically stated that she had not been sexually assaulted in any manner. The learned counsel has further submitted that even in the statement of the victim recorded in terms of Section 164 Cr.P.C., she has stated that she had left her house on her own accord. It has also been submitted that the prosecutrix has also refused to get herself medically examined.

4. The learned State counsel, while opposing the petition, has submitted that since the victim is aged less than 18 years, no case for grant of bail is made out, even if it is held that she had voluntarily accompanied the accused. The learned State counsel has, however, admitted the fact that the prosecutrix in her statement under Section 164 Cr.P.C. has categorically stated that she had accompanied the petitioner voluntarily out of her own free will. It has also been informed that challan already stands presented and that the petitioner has been behind bars since the last more than six months.
5. Having regard to the facts and circumstances and while refraining from making any expression as regards merits of the case and while also bearing in mind that the petitioner has been behind bars since the last more than six months, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.10.2019

pankaj

**(Gurvinder Singh Gill)
Judge**Whether speaking /reasoned
Whether ReportableYes / No
Yes / No