

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

CRM M- 35975 of 2019
Date of Decision: September 04, 2019

Ramnirale @ Shyam

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Ajay Vijarania, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

The allegations against petitioner Ramnirale @
Shyam in this first regular bail application under Section 439
of Cr.P.C. in case FIR No.200 dated 03.06.2019 under
Sections 363/366-A/34 and 120-B IPC registered at Police

Station Dadri Sadar, District Charkhi Dadri have been levelled by complainant Gajender, who happens to be father of a girl aged around 7 years (though as per the admissions of the State in the records her age is shown to be 18 years). In his compliant, the complainant alleges that on 02.07.2019, his daughter eloped with the accused on a motor cycle leading to the registration of the present. The girl was got recovered on 16.06.2019 alongwith the petitioner.

Learned counsel for the petitioner *inter alia* contends that a bare perusal of the statement of the girl made under Section 164 Cr.P.C. before the learned Judicial Magistrate 1st Class and the medical records does not bear out anything adverse to the petitioner and that the girl is a major and, therefore, has sought to raise doubts over the applicability of offences under Sections 363 and 366-A of

the IPC.

Mr. Amrik Narwal, DAG, Haryana on instructions from HC Anil Kumar duly concedes that as per the records the the girl is a major and has not supported the prosecution case in her statement made under Section 164 Cr.P.C. and that there is nothing in the medical evidence to support any wrong doings.

Appreciating the submissions and in the light of what has been canvassed before the Court and the fact that the petitioner is behind the bars since long time and culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. This Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

September 04, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No