

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

CRM-M-37629-2019 (O&M)
Date of Decision:-11.9.2019

Kuldeep ... Petitioner

Versus

State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sarfraj Hussain, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

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.142 dated 25.4.2018 at Police Station Chandhut, Palwal, District Palwal under Sections 363, 366 and 216 of Indian Penal Code and Sections 4 of Protection of Children from Sexual Offences Act, 2012.
2. The FIR was lodged at the instance of Dulichand, wherein it has been alleged that his daughter Neha aged about 15 years has been enticed away by Kuldeep, a resident of the village, and that her daughter is missing who despite their best efforts could not be traced.
3. The learned counsel for the petitioner has submitted that the FIR has been lodged falsely and that infact the aforesaid Neha had accompanied the petitioner out of her free will and volition. The learned counsel, in this

context, has submitted that infact after the aforesaid Neha was recovered her statement was recorded in terms of Section 164 Cr.P.C., wherein she has categorically stated that she had married the petitioner Kuldeep and wanted to reside with him and that her parents should not harass her. The learned counsel has further submitted that, in any case, the aforesaid Neha as per her Aadhar Card was born on 18.4.2001 and is presently a major.

4. Opposing the petition, the learned State counsel has submitted that Neha was a minor at the time of her abduction and that infact at the time of her recovery it was found that she was carrying pregnancy, which was got terminated under orders of the Court. It has thus been submitted that the petitioner does not deserve any leniency in the matter of bail.
5. I have considered rival submissions addressed before this Court.
6. The translated gist of the statement of the prosecutrix recorded in terms of Section 164 Cr.P.C. on 18.5.2018 reads as follows:-

“Statement of Neha daughter of Dulichand, aged 17 years.

I have studied upto class 8th. I just want to reside with my husband Kuldeep. My marriage was solemnized with Kuldeep on 8.5.2018 and I am carrying pregnancy of 2½ months, which my parents wish to get terminated. I wish to reside with my in-laws. My parents should not harass me.

Date 18.5.2018

JMIC/Palwal”

7. Having regard to the facts and circumstances of the case and also that the investigation has already been concluded, no useful purpose would be served by detaining the petitioner behind bars any longer. 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.

8. The present petition stands accepted accordingly.

11.9.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No