

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

CRR-2350-2019 (O&M)
Date of Decision:-29.10.2019

Amir ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court challenging order dated 17.7.2019 passed by Principal Magistrate, Juvenile Justice Board, Faridabad whereby an application filed by him seeking his release on bail in case FIR No.36 dated 18.3.2019 registered at Police Station BPTP, District Faridabad under Sections 363 and 366 of Indian Penal Code, has been declined.
2. The FIR was lodged at the instance of Bir Singh, father of the victim, wherein it has been alleged that on 7.3.2019 his daughter aged about 16 years and 8 months left home without informing anyone and although they had tried to look for her but she could not be found. The complainant suspected that his daughter had been enticed away by some unknown boy on the pretext of solemnizing marriage.

3. The learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and is being involved in the present case solely on account of the fact that the victim, at one point of time, alongwith petitioner's brother had approached the Sessions Court at Mewat seeking protection of their lives on the ground that they had solemnized marriage against wishes of their parents and thus apprehended threat from them. The learned counsel has further submitted that the police has gone to the extent of recording a disclosure statement of the petitioner in another case, which was registered against him for offence under Section 379 IPC, wherein the petitioner is alleged to have confessed having raped the victim, whereas the said FIR was infact got lodged against the petitioner simply in order to pressurize the entire family of the petitioner to disclose the whereabouts of the petitioner's brother, who was missing at that point of time.
4. Opposing the petition, the learned State counsel has submitted that since the prosecutrix, in her statement recorded under Section 164 Cr.P.C., has levelled allegations against the petitioner as well as regards commission of rape, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case and also that at one point of time the prosecutrix alongwith petitioner's brother had approached the Sessions Court at Mewat seeking protection to their lives and liberty while avering that they had married against the wishes of their parents and while also bearing in mind that it is a case where the petitioner is a juvenile and has been behind bars since the last about seven 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/Juvenile Justice Board/Chief Judicial Magistrate/Duty Magistrate concerned.

29.10.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No