

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

CRM-M-38618-2019 (O&M)
Date of Decision:- 16.9.2019

Abhishek

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harkesh Manuja, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Abhishek, seeks grant of regular bail in a case registered vide FIR No.1336, dated 21.7.2019, registered at Police Station Shivaji Nagar, Gurugram, under Sections 363, 120 IPC and Section 6 of POCSO Act.
2. The FIR was registered at the instance of Devender Kumar wherein it has been alleged that his daughter Isha has been kidnapped by Rajiv Kataria, Shweta Sharma and Komal and who had kept her illegally

confined from 1.30 pm. on 19.7.2019 upto 8 pm on 20.7.2019 when she was kept confined by Rajiv Kataria. It is further stated therein that Date of Birth of the complainant's daughter is 13.8.2001.

3. Learned counsel for the petitioner has submitted that he is not named in the FIR and is sought to be nominated on the basis of a disclosure statement made by co-accused Rajiv Kataria wherein he stated that it was in the car of the petitioner that the prosecutrix was taken back home from the place where she was allegedly confined.
4. Opposing the petition, the learned State counsel has submitted that it is indeed on the basis of the disclosure statement of co-accused Rajiv Kataria that the petitioner has been involved. It is further submitted that since the petitioner has facilitated the commission of crime, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court. Even as per the allegations levelled in the FIR or as per the disclosure statement made by Rajiv Kataria, it cannot be discerned that the petitioner had played any role in abduction of the complainant's daughter. The petitioner in any case has been behind bars since 27.7.2019. Having regard to the aforestated facts and while refraining from making any further expression on merits, the petition is accepted and petitioner-Abhishek be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

September 16, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No