

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

CRM-M-39535-2019 (O&M)
Date of Decision:-22.10.2019

Kamardeen @ Kamruddin

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Ashok Singh Choudhary, Addl. 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.73 dated 11.4.2019 at Police Station Ellenabad, District Sirsa under Sections 366 and 376(2)(n) of Indian Penal Code and Section 6 of POCSO Act.
2. The FIR was lodged at the instance of Atma Ram, wherein it has been alleged that on the day of occurrence i.e. on 10.4.2019 his daughter went missing from home and it was much later in the evening that Kamruddin's wife dropped back his daughter. Upon inquiries made from complainant's daughter she informed, while weeping, that she had gone to the shop of Kamruddin to fetch some goods but he put his hand on her mouth and took her inside the shop. The complainant alleged that he suspected that

Kamruddin had committed some wrong act with her daughter and that she be got medically examined.

3. The learned counsel for the petitioner has submitted that the FIR came to be lodged solely on the basis of suspicion due to some misunderstanding and that infact upon conclusion of investigation and after framing of charges, the statements of the complainant as well as of the victim have already been recorded, who have not supported the case of the prosecution at all.
4. Opposing the petition, the learned State counsel has submitted that since specific allegations have been levelled in the FIR and infact even in the statement under Section 164 Cr.P.C, it has specifically been recorded that the petitioner had confined the victim in a room, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the petitioner has been behind bars since the last more than six months and that the complainant as well as the victim have resiled, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to take some time. 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.

22.10.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No