

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

CRM-M-43282-2019

Date of decision : 18.10.2019

Rajeev

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Manish Soni, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J (ORAL)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered against him vide FIR No.1336 dated 21.07.2019 under Section 363 of IPC (Section 120 IPC and Section 6 of POCSO Act added later on), registered at Police Station Shivaji Nagar, District Gurugram.
2. The FIR was registered at the instance of Davinder Kumar, wherein it has been alleged that his daughter Isha Behal had been enticed by Rajeev Kataria (petitioner), Shweta Sharma and Komal and that his daughter was missing.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case, merely on the basis of suspicion and is also evident from the statement of the complainant's daughter recorded under Section 164 Cr.P.C.

4. Opposing the petition, learned State counsel, on instructions from ASI Balraj Singh, submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. It has, however, been informed that investigation has concluded and challan is likely to be presented during the coming week.
5. I have considered rival submissions addressed before this Court. A perusal of the statement of complainant's daughter recorded under Section 164 Cr.P.C. shows that she has not stated anything against the petitioner therein. The relevant extract from the said statement reads as under:-

“On 19.07.2019, in the afternoon at 01.30 PM I had gone out of my house. Near the house I met my friend Rajeev. I was with him. In the night at 08.00 PM, I had called at house to mother that I will come tomorrow morning. On 20.07.2019 in the night I had returned to my house. Then my mother-father took me to police station. My mother-father do not allow me to go outside. They do not allow me to talk to any boy on phone. There was no impediment on me for talking to any girl or going outside. I left home in anger. I had intentionally called in night at 08.00 PM to my mother from the number of Rajeev. I love Rajeev. When my mother-father took me to police station then told me for medical, but I didn't get it done.”

6. Having regard to the afore stated statement of the complainant's daughter and the fact that investigation is already completed, further detention of the petitioner will not serve any useful purpose.

7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned Illaqa Magistrate concerned.

(GURVINDER SINGH GILL)
JUDGE

18.10.2019

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No