

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

CRM-M No.43698 of 2019
Date of decision: 22nd October, 2019

Monu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sukesh K. Jindal, Advocate for the petitioner.
Mr. Amrik Narwal, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Monu in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.47 dated 16.03.2019 under Sections 120-B, 363, 366-A IPC pertaining to Police Station Sanoli, Panipat, have come about by mother of a minor girl aged around 17 years and 2 months, alleging that while the family used to go out for work, their neighbour's son Deepak along with his elder brother Harish and mother Vidya Devi used to visit the house of the complainant. It is alleged that Vidya Devi's nephew, present petitioner Monu on 15.03.2019 enticed the daughter of the complainant leading to registration of the present case and arrest of the petitioner on 19.03.2019.

Learned counsel for the petitioner Mr. Sukesh Kumar Jindal, Advocate inter alia contends that there are allegations of only enticement and the girl is nearing eighteen years and was of understandable age and has volunteered into this relationship and has even refused to undergo

medical examination nor she had testified by way of her statement under Section 164 Cr.P.C.

On behalf of the State, Mr. Amrik Narwal, Dy. Advocate General, Haryana on instructions from SI Surjit Singh, Police Station Sanoli, District Panipat though has admitted the facts brought to the notice of this Court but has sought to oppose the grant of bail on the grounds that if allowed bail the petitioner would stifle the trial.

Appreciating the arguments of the two sides, the petitioner is behind bars since a long time. Prima facie, it is a case of enticement of a minor girl and as is conceded to at the bar by learned State counsel the girl has not testified against the boy even in her stand under Section 164 Cr.P.C. In view thereof and the fact that culpability, if any, shall be determined at the trial which is not likely to conclude in the near future, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Panipat. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

October 22, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No