

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

CRM-M-49464-2019 (O&M)

Date of Decision:- 26.11.2019

Mahabir Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. D.V.Dhindsa, Advocate, for the petitioner.

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

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Mahabir Singh, seeks grant of regular bail in a case registered vide FIR No.82, dated 26.5.2019, registered at Police Station Ismailabad, District Kurukshetra, under Sections 363, 366-A IPC and Sections 4 and 6 of POCSO Act.
2. The FIR was registered at the instance of Rajender Kumar, wherein it has been alleged that his daughter had left home on 25.5.2019 for attending computer and stitching classes at Child Development

Ashram, Shahbad but did not return back. Although they tried to search for his daughter but she could not be traced. It is alleged that later the complainant came to know that his daughter had been enticed away by Mahavir Singh while holding out a promise to marry her.

3. Learned counsel for the petitioner has submitted that he has been falsely implicated in the present case and that the complainant's daughter in her statement under Section 164 Cr.P.C. has categorically stated that she had left her house out of her own accord and had joined the company of Mahavir and that she does not wish to meet her parents.
4. Opposing the petition, learned State counsel has submitted that since the complainant's daughter was a minor and had been enticed away by the petitioner, therefore, no case for grant of bail is made out. It has however, been informed that investigation stands concluded and challan stands presented.
5. Having considered rival submissions addressed before this court and while bearing in mind that the fact that the victim in her statement under Section 164 Cr.P.C. has virtually given a clean-chit to the petitioner and also that the challan already stands presented, further detention of the petitioner will not serve any useful purpose as the trial is likely to take some time for its conclusion. The petition, as such, is accepted and petitioner-Mahabir Singh is ordered to 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.

November 26, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No