

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

CRM M-49364 of 2019

Date of Decision: November 26, 2019

Sanjay

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Ms. Neetu Singh, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

The allegations against petitioner Sanjay in this first regular bail application under Section 439 Cr.P.C. moved in FIR No. 297 dated 12.07.2019 under Sections 363, 366-A IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sector 40, District Gurugram have been levelled by brother of a girl aged around 16 years. It is alleged that while the family members were out of home for their duties and the victim was alone and on their return, they found her missing and later on it is revealed that

victim/girl Karishma has been enticed away by petitioner Sanjay leading to the registration of the present case. It was, thereafter, on 04.08.2019, the girl was recovered and her statement under Section 164 Cr.P.C. was recorded.

Learned counsel for the petitioner *inter alia* contends that the girl in her stand under Section 164 Cr.P.C. has not levelled any allegations against the petitioner and that they were merely on friendly terms and the complainant's brother had twisted and distorted the true story for a motivated cause and the petitioner is behind the bars since 05.08.2019.

Mr. Amrik Narwal, DAG, Haryana on instructions from ASI Anil Kumar fairly concedes at the bar the facts that have been canvassed by the counsel for the petitioner but has claimed that the girl in her statement under Section 164 Cr.P.C. supports the prosecution story and in view of the heinousness of the offence argues that the petitioner is not entitled to any relief.

Going through the submissions, it is duly conceded by the State that neither there is any medical evidence to support the prosecution allegations nor the girl in her statement under Section 164 Cr.P.C. made before the learned Judicial Magistrate 1st Class is supporting the prosecution case and, thus, a debatable issue arises over the very commission of offences, for which, the accused has been hauled up and considering the fact that the investigations and the trial are not likely to be concluded in near future, this Court is of the opinion

that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

November 26, 2019

amit rana

(FATEH DEEP SINGH)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No