

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

**Criminal Misc. No. M-51312 of 2019 (O&M)**  
**Date of decision : December 06, 2019**

Bijnesh

....Petitioner

versus

State of Haryana

....Respondent

**Coram: Hon'ble Mr. Justice Fateh Deep Singh**

Present : Mr. Dharamvir S. Dhindsa, Advocate, for the petitioner

Ms. Mahima Yashpal, AAG, Haryana with  
SI Rohtash, PS Badshahpur, Distt. Gurugram

**Fateh Deep Singh, J. (Oral)**

The present case was got registered against the petitioner by father of a victim aged between 12/13 years alleging that her daughter was taken away in a red car on 19.1.2018 around morning time. The police acting on this complaint lodged FIR. It is thereafter on 30.3.2019, when the girl was recovered, her statement was recorded by Judicial Magistrate Ist Class, wherein the prosecutrix exonerated the accused and claimed that she had left

the house on her own voluntarily. Her medical examination too was performed. The accused was arrested on 30.3.2018.

Learned counsel for the petitioner inter-alia contends that neither in the ocular version of the prosecutrix nor in the medical evidence it has come across that the girl was defiled and the petitioner being in custody since more than one and a half years entitles him to bail.

Though learned State counsel does not displace the facts but has opposed the grant of bail on the grounds of heinousness of the offence and that being a minor the petitioner has influenced the girl and if allowed bail would influence her at the trial as well.

Going through the submissions, to the specific query of the Court, learned State counsel concedes that there is neither any ocular version of the prosecutrix nor any medical evidence to corroborate the allegations of the lady. The petitioner is behind the bars since a long time and the trial is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Gurugram.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

December 06, 2019

( Fateh Deep Singh )  
Judge

'tiwana'

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No