

230.

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

CRM-M-52033-2019

Date of decision: 11.12.2019

KAPIL

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Neeraj Yadav, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.585 dated 14.08.2019 registered under Sections 363, 366-A of IPC at Police Station City, District Rohtak.

The aforesaid FIR was registered at the behest of the complainant, who is the father of the prosecutrix. The prosecutrix, aged about 16 years and 9 months, is a student of 12th class, studying at Vaish Girls Senior Secondary School, Jhajjar Road, Rohtak. As per the FIR, on 14.08.2019 when the prosecutrix had gone to the school, at about 12.30 PM, the complainant received a phone call from his daughter informing that she is coming in bus, but despite waiting till 3 o'clock in the evening, she did not come. Efforts were made to contact her on the mobile phone, but she did not pick up the call. It was apprehended that the mobile number from which the

prosecutrix had tried to contact her father belongs to the petitioner, who works in Bharat Finance.

Counsel for the petitioner states that the petitioner is in custody since 14.08.2019. The prosecutrix has made a statement under Section 164 Cr.P.C. There is no allegation of any sexual assault or attempt on her person. The prosecutrix was recovered from the Bus Stand, Rewari and she is with her parents. He further states that the prosecutrix was offered for medical examination, but she refused for the same.

Learned State counsel, on instructions from SI Jagdish Chander, does not dispute the custody and the fact that the prosecutrix has returned to her parents and as on date, she is staying with her parents.

I have heard counsel for the parties.

Noticing the fact that the prosecutrix has made a statement under Section 164 Cr.P.C. and she has not made any allegation against the petitioner regarding sexual assault and the fact that she has returned to her family the next day and the trial in the case is not likely to be concluded in the near future, thus this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

11.12.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No