

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

-.-

**CRM-M-4088-2020 (O&M)
Date of decision : 03.11.2020.**

Manpreet

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. Gurneet Sagoo, Advocate, for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner in FIR No.231 dated 21.06.2019 under Sections 366-A, 363, 120-B of the Indian Penal Code, 1860 registered at Police Station Pinjore, District Panchkula.

The facts relevant to the present case are that the minor, who is aged about 14 years, is said to have been kidnapped by the petitioner-herein. During investigation, call details and record of the mobile phone of the petitioner were collected by the Investigating Officer and the same corroborated the case of the prosecution that the victim had been taken to different places. Infact, the victim was recovered from Shimla.

The matter came up before this Court on 05.02.2020 wherein it was directed that an endeavour be made to record the statement of the Prosecutrix. However, the same could not be done due

to situation created by the COVID-19 pandemic. Thereafter, the matter came up on 11.09.2020 before this Court wherein yet again it was stated in the order that an endeavour shall be made to get the statement of the victim recorded.

Learned counsel for the petitioner has stated that the statement is yet to be recorded. However, *de hors* the fact that the statement has not been recorded, she wishes to argue the petition on merits.

Learned counsel for the petitioner has contended that in the FIR the allegation is that the victim had been probably kidnapped by the petitioner and since the FIR has been lodged on the basis of probability hence it cannot be said that the petitioner was involved in the present case.

Learned State counsel has stated that it has not been possible to record the statement of the victim till date since, as per her instructions, due to the situation created by the COVID-19 pandemic. She, on instructions from ASI Jagdish, has further stated that the victim was taken to Shimla and infact was recovered from Shimla. The State Counsel has also referred to the call records and call details of the petitioner, which were collected during the course of investigation, which reveal that the victim had been taken to different places by the petitioner-herein

I have heard learned counsel for the parties.

The matter is being heard on merits on the request of learned counsel for the petitioner. As per the allegations in the FIR, the complainant alleged that his minor daughter, aged 14 years, had been

kidnapped by two-three persons and one of the said accused was the present petitioner. It has also come in the course of investigation that the call details of the mobile phone of the petitioner were collected and the same corroborated the case of the prosecution that the victim had been taken to different places. Further, the victim gave her statement under Section 164 CrPC wherein she has specifically stated that she had been taken by the petitioner-herein. It has also been noted in the order passed by the learned Additional Sessions Judge on 18.08.2019 that no permanent address has been disclosed by the petitioner during investigation and in case of grant of bail it would be very difficult to apprehend the petitioner. The allegations against the petitioner-herein are of grave nature inasmuch as a minor girl, aged 14 years, was kidnapped by the petitioner. The involvement of the petitioner, prima facie, is evident from the call records collected during the course of investigation which reveal that the petitioner had taken the minor to different places and eventually the victim was recovered from Shimla from the custody of the petitioner on 22.06.2019.

In view of the above, I do not find this to be a fit case for grant of regular bail to the petitioner. It is, however, made clear that any observation made herein shall not be taken as an expression of opinion on the merits of the case.

Dismissed.

November 03, 2020

tripti

NOTE:

(ALKA SARIN)
JUDGE

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No