

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

Criminal Misc. No. M-11049 of 2020(O&M)
Date of Decision: 28.05.2020

Sohan Lal

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashwani Bhardwaj, Advocate,
for the petitioner.

Mr. Deepak Sabharwal, Addl.A.G.,Haryana.

ANIL KSHETARPAL, J.

The petitioner prays for grant of bail pending trial in a criminal case arising out from FIR No.177, dated 21.05.2019, registered under Section 346 of the Indian Penal Code (challan presented under Sections 344/363/366-A IPC and Section 6 of POCSO Act), at Police Station Civil Line, Jind.

As per the case of the prosecution, the petitioner had kidnapped the victim a young girl, who was mentally upset. She was recovered by the police on 04.06.2019. The petitioner is in custody since 05.06.2019.

Hearing of the case was held through video conferencing on account of lock-down.

Learned counsel for the petitioner while drawing attention of the Court to the statement of the victim recorded under Section 164 Cr.P.C. before the learned Judicial Magistrate Ist Class has submitted that the victim had gone with the petitioner on her own. They stayed at Amritsar for 3

days, for 6 days at Goga Meri, for a period of 7 days at Hissar and lastly at Delhi for 3-4 days. Learned counsel for the petitioner has further drawn attention of the Court to the statement of the victim in court while appearing as a witness, admitting that she was never beaten by the petitioner or his family members. She further states that she left her house along with all documents and clothes.

On the other hand, learned State counsel opposes the prayer on the ground that the victim is a minor.

Be that as it may. The petitioner is in custody for approximately one year. *Prima-facie* statement of the victim under Section 164 Cr.P.C. belies the case of the prosecution. The victim while appearing in Court has stated that she stayed with the petitioner peacefully and while leaving her house, she had carried all her documents as well as clothes.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 05.06.2019 and conclusion of the trial is likely to take some time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the petition is allowed with the aforesaid directions.

(ANIL KSHETARPL)
JUDGE

May 28, 2020

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Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No