

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

CRM-M No.12535 of 2020
Date of decision: 21st May, 2020

Naseem

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. R.D. Gupta, Advocate for the petitioner.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana has put in appearance on behalf of the State on his own.

Petitioner Naseem has come up in this second regular bail application under Section 439 Cr.P.C. (the earlier one having been dismissed by this Court vide orders dated 14.11.2019) in case bearing FIR No.59 dated 05.05.2019 under Sections 363, 366-A, 34, 376 IPC pertaining to Police Station Chachhrauli, Yamuna Nagar got registered on the statement of complainant father of a girl alleging that his daughter, who he claims to have been born on 01.01.2004 (though disputed by the respondent side) had eloped on 04.05.2019 early morning around 3:00 a.m. The present allegations have come up on the basis of suspicion by the father apprehending that co-accused non-applicant Sadik might have

taken away his daughter. Subsequent to recovery of the girl, her statement under Section 164 Cr.P.C. was recorded wherein name of the present petitioner for having given a lift to the victim along with his co-accused had come about.

Learned counsel for the petitioner Mr. R.D. Gupta, Advocate inter alia contends that the petitioner is behind bars for almost one year and that there is no specific role attributed to him in commission of the offence.

On behalf of the State, Mr. Baljinder S. Virk, Dy. Advocate General, Haryana though has not displaced the facts but has sought to vehemently oppose the grant of relief on the grounds that the petitioner is instrumental in facilitating escape of the girl along with the principal accused Sadik and therefore, the girl being a minor the petitioner is not entitled to any relief.

Going through the submissions of the two sides, it is only subsequent during investigations on the statement of the girl under Section 164 Cr.P.C. name of the present petitioner has cropped up. The only role attributed to him is of having given a lift to the girl and co-accused Sadik to the place where the girl was defiled. Keeping in view the allegations, the period of incarceration and without further adverting on to the merits of the case together with the fact that the trial is not likely to conclude in the near future, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the

present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Yamuna Nagar. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 21, 2020
rps

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