

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

CRM-M- 12607-2020 (O&M)
Date of Decision:- 15.06.2020

Pardeep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.S.Ghangas, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.449 dated 27.7.2018 under Section 365 IPC (Section 365 IPC deleted and Sections 363/366-A IPC and Section 6 of POSCO Act, 2012 added lateron) at Police Station Quilla, Panipat, District Panipat.
2. The FIR in question was lodged at the instance of Neeta wherein it has been alleged that her daughter aged 16 years, who was studying in Class IX in Government School, Tehsil Camp, Panipat had left her house without telling anyone on 26.7.2018 and has been missing since then. It is further the case of prosecution that it was on 27.8.2019 that the victim as well as the petitioner were recovered from a rented premises.

3. The learned counsel for the petitioner has submitted that it is a case where the victim had voluntarily accompanied the petitioner and had in fact solemnized marriage with the petitioner against the wishes of her parents on account of which the parents of the victim were inimical towards the petitioner and had lodged the FIR in question. The learned counsel for the petitioner has further submitted that the petitioner and the victim were also constrained to approach this Court to seek protection by way of filing CRM-M-40656-2018, which was disposed of vide order dated 14.9.2018 (Annexure P-5). The learned counsel has further submitted that in any case since challan already stands presented and the petitioner has been behind bars since the last more than 9 months, his further detention would not serve any useful purpose.
4. The learned State counsel, while opposing the petition, has submitted that since the victim was aged less than 18 years and is yet to be examined in the Court, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. Although, the question as regards the age of the victim will be a moot point but it is evident that the victim had accompanied the petitioner out of her own accord and had approached this Court seeking protection. Further, a perusal of the statement of the victim recorded in terms of Section 164 Cr.P.C. on the day she was recovered i.e. on 27.8.2019 shows that she categorically stated therein that she was residing happily with her husband and that her parents were in fact bothering her.
7. Keeping in view the aforestated factual position and the fact that the petitioner has been behind bars since the last about 9 months and challan

already stands presented, further detention of the petitioner will not serve any useful purpose.

8. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

15.06.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No

