

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

203

CRM-M No.12750 of 2020
DATE OF DECISION : 3rd JUNE, 2020

Yogesh Kumar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Nipun Vashist, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.856 dated 17.12.2019 registered under Sections 363, 366-A, 511, 120-B & 109 IPC; Section 17 of POCSO Act and Section 3(2) of the SC/ST Act, at Police Station Model Town, District Rewari.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted for *mala fide* reasons. The petitioner has no role in the alleged crime at all. In fact, the matter is of running away of a couple; and getting married. The minor boy Neeraj had eloped with the prosecutrix and the allegations are against him only. The allegation against the petitioner is that he provided certain tablets to the prosecutrix to drug her family so that she could easily flee away from her home. However, even this aspect has not been confirmed by the prosecutrix in her statement made under Section 164 Cr.P.C. By any means, allegation against the petitioner is only of conspiracy and not

doing any immoral act with the girl as such. The petitioner is in custody since 20.12.2019. The petitioner is not required for any investigation purposes. Hence no purpose would be served by keeping him in custody.

Notice of motion.

Mr. Anmol Malik, AAG, Haryana, accepts notice on behalf of the State of Punjab.

Learned State counsel, on instructions from ASI Sanjay Kumar, submits that the petitioner has positively participated in the process of running away of the girl. His role has been specified qua providing the drug to the prosecutrix; so that she could intoxicate her entire family. However, it is not disputed that the matter involves running away of the prosecutrix with Neeraj, with whom she was having some kind of love affair. It is also not disputed that the petitioner is in custody since 20.12.2019.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

3rd June, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No