

In virtual Court

CRM-M-17049-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17049-2020 (O&M)
Date of decision: 17.08.2020

Mohd. Parvez Alam

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.505 dated 18.10.2019 under Sections 363, 366A IPC and Section 6 of POCSO Act (Section 376 IPC was added later on), registered at Police Station Sector-9A, Gurugram, District Gurugram.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Sharda wife of Ajit Verma, her daughter, who is aged about 14 years, had gone to take tuition, however, she had not returned back and she has doubt that somebody has enticed her. It is further submitted that incident is of 16.10.2019 and there is a delay of 02 days in registration of FIR. It is also submitted that the girl was recovered on 09.11.2019 and in the statement recorded under Section 164 Cr.P.C., she has

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stated that she is making the statement without any pressure that she had gone with the accused of her own and visited Kotla, Punjab. She further stated that they have taken a room on rent and once had physical relationship with her consent.

Learned counsel for the petitioner has further submitted that date of birth of the victim is disputed, as she was having love affair with the petitioner voluntarily and their parents were not agreeing with the marriage.

Learned State counsel has, however, submitted that date of birth of the victim is 30.06.2003 and she is minor, therefore, her consent is not of any relevance.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 09.11.2019; he is not involved in any other case and the prosecutrix in her statement recorded under Section 164 Cr.P.C. has stated that she had ran away with the petitioner on her own free will, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

17.08.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No