

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

CRM-M-19570-2020

Date of decision : 16.09.2020

Rohit

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANT PARKASH, J.

The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail in FIR No.69 dated 19.03.2020 under Sections 366-A and 506 of IPC, registered at Police Station City Chhachhrauli, District Yamuna Nagar.

As per the case of the prosecution, the said FIR was registered with the averments that on 19.03.2020, complainant (father of the prosecutrix) moved a complaint regarding missing of prosecutrix aged about 14 and half years, who was studying in 10th class. It was alleged that the present petitioner-Rohit gave a threatening call on the mobile phone of his son to kill the complainant. After lodging of the FIR, matter was investigated.

Learned counsel for the petitioner submits that during the investigation, victim was produced and her statement under Section 164 Cr.P.C. was got recorded in which the prosecutrix has not levelled any allegation of sexual assault against the petitioner and she refused to get herself medically examined. He further submits that challan has been presented in this case and the petitioner is in custody since 20.03.2020.

Per contra, learned State counsel has opposed the petition while contending that the petitioner had abducted a minor girl of 14 and half years and committed serious offence. Although, he does not dispute the custody period.

Heard.

It is not disputed that the girl is minor but her statement under Section 164 Cr.P.C. was got recorded in which she has not levelled any allegation of sexual assault against the petitioner. The petitioner is behind the bars since 20.03.2020 and he is not involved in any other case of similar nature.

Keeping in view the facts & circumstances of the present case and the fact that since the trial of the case will take long time, no useful purpose would be served by keeping the petitioner in custody further, since he is already behind bars since 20.03.2020, the present petition is allowed.

The petitioner is ordered to be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of the trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

(SANT PARKASH)
JUDGE

16.09.2020

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No