

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 26040 of 2020

Date of Decision: 28.09. 2020

Padam

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Pardeep Kumar Sehrawat, Advocate
for the petitioner(s).

Mr. Chetan Sharma, Assistant Advocate
General, Haryana for the respondent.

Anil Kshetarpal, J.

The petitioner prays for grant of regular bail pending trial in a criminal case arising from FIR No. 226 dated 01.10.2018, registered under Section 363, 366-A & 506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as “the 2012 Act”), at Police Station Sadar Panipat, District Panipat.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Panipat in para 2 of its order dated 09.03.2020 which is extracted as under:

“Briefly, it is the case of the prosecution that on 01.10.2018 complainant, mother of the victim girl, presented a written complaint in the police station to the effect that her daughter aged 16 years went away from the house on 29.09.2018 without disclosing anything to anyone and it is

suspected that she must have been taken away by someone. She gave the details of her physical appearance and requested the police to look into the matter. On the complaint, the case punishable under Section 365 IPC was registered. During investigation the victim girl was recovered from the Railway Station, Panipat on 06.10.2018 and her statement was recorded before the Magistrate under Section 164 CrPC, wherein she alleged that she was raped by the accused-applicant. She was got medically examined and after her medical examination, Section 365 IPC was deleted and Sections 363, 366A, 506 IPC and Section 6 POCSO Act were inserted. Accused-applicant Padam was arrested on 08.10.2018 and after completing the investigation the challan was presented. The accused is now facing trial for offences punishable under Sections 363, 366, 376 (2), 506 IPC and Section 6 of POCSO Act”.

The petitioner is in custody since 06.10.2018 i.e. a few days short of two years. The prosecutrix is alleged to have been recovered from the Railway Station on 06.10.2018. Thus, she stayed with the petitioner for a period of five days.

Mr. Chetan Sharma, Assistant Advocate General, Haryana, on instructions from Assistant Sub Inspector Dilbagh Singh, has submitted that the petitioner does not have any criminal antecedents. He further submitted that the prosecution has examined four witnesses out of total 15 proposed to be examined.

Keeping in view the aforesaid facts and without expressing any

opinion on the merits of the case, it is considered appropriate to direct the petitioner to be released on regular bail as the conclusion of the trial is likely to take time. Hence, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the learned Area Judicial Magistrate/Chief Judicial Magistrate/Duty Magistrate.

(Anil Kshetarpal)
Judge

September 28, 2020
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No