

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

CRM-M-30883-2020 (O&M)

Date of Decision:04.11.2020

Jahid Khan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sanchit Punia, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

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TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner seeks regular bail pending trial in case FIR No.70, dated 16.05.2020, under Sections 363/366-A IPC and Sections 5L and 6 of the POCSO Act, registered at Police Station Sadhaura, District Yamuna Nagar.

Counsel for the parties have been heard.

FIR came to be registered on the complaint of Mustkeem. Allegations are that on 15.05.2020, daughter of the complainant aged 16 years and 9 months has been enticed away by the present petitioner with an intention of marrying.

Petitioner was arrested on 18.05.2020.

Investigation in the case is complete and the challan already stands presented.

During the course of arguments, it has gone uncontroverted that statement of the daughter of the complainant was recorded under Section 164 Cr.P.C. as also before the legal aid counsel and wherein her consistent stand is that her parents wanted to forcibly get her married to someone against her wishes and it is of her own accord that she had left the house to seek assistance/guidance of an Advocate of the name of Sahil, practicing at the Courts in Bilaspur. She has further stated that it is only upon reaching the place of work of Advocate Sahil that the present petitioner and his family members were sitting there.

It is a case where daughter of the complainant had refused medical examination at the initial stage and it is only on a subsequent stage i.e. on 04.06.2020 that medical examination took place.

Learned State counsel would fairly concede that there is no medical evidence with regard to sexual abuse of daughter of the complainant at the hands of the accused/present petitioner.

In view of the above and without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Disposed of.

04.11.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |