

CRM-M No.45565 of 2019 (O&M)
Date of Decision : 28.08.2020

Nereraaj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGHPresent : Ms. Sharmila Sharma, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

Mr. Sanjay Vashisth, Advocate
for the complainant.

FATEH DEEP SINGH, J (ORAL)

The petitioner-Neeraj has sought this third regular bail under Section 439 Cr.P.C in case FIR No.676, dated 24.12.2018, under Sections 363, 366-A, 120-B, 34 IPC, 1860 and Section 376 IPC and Section 4 of POCSO Act, 2012 added later on, registered at Police Station Ganaur, District Sonapat, Haryana. (The earlier two petitions dismissed by this Court vide orders dated 04.07.2019 and 30.09.2019 respectively).

The brief allegations of the complainant are that his daughter aged around sixteen and half years was enticed and taken away on 22nd December, 2018 early morning at 6.30 a.m. by accused Sandeep, present petitioner-Neeraj and Braham Sharma. Consequent upon recovery of the girl and arrest of the petitioner

Neeraj on 25th December, 2018, it was revealed by the girl in her two different self contradictory statements under Section 164 Cr.P.C that she had gone with the accused to Delhi and thereafter to Shimla and lived at his Massi's home and, thereafter, came back. The girl confessed that she was in a relationship with accused non-applicant Sandeep and the accused only facilitated the same.

Learned counsel for the petitioner *inter alia* argued that the petitioner is behind the bars for more than one and half years and that the trial is not likely to be concluded in near future and the only semblance of evidence is facilitating enticement of the minor girl.

Learned State counsel has opposed the bail on the grounds that it was the accused-petitioner, who was the facilitator of this crime and, therefore, is not entitled to any relief.

Be so as it may, the petitioner is behind the bars for more than one and half years. There is no evidentiary allegations against the petitioner for defilement of the girl and has only helped his co-accused non-applicant Sandeep.

Keeping in view the prevalent pandemic and the circumstances detailed hereinabove, there is every likelihood that the trial is not likely to be concluded in the near future, without feeling the necessity to advert to the merits of the case, no

useful purpose would be served by keeping the petitioner in custody. Accordingly, the instant petition for regular bail is allowed. The petitioner-Neeraj is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition stands disposed off accordingly.

The observations made hereinabove shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

(FATEH DEEP SINGH)
JUDGE

28.08.2020
Manpreet

Whether speaking/reasoned	Yes
Whether reportable	No