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

**CRM-M-13483-2021 (O&M)
Date of decision-26.03.2021**

Nand Ram @ Thanedar

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.513 dated 23.08.2019, under Sections 363 and 366-AIPC, 1860 (Section 6 of POCSO Act, 2012 added later on), Police Station Surajkund, Faridabad, Haryana. The petitioner is in judicial custody after his arrest on 26.08.2019.

The above FIR was registered on the basis of complaint made by complainant/mother of prosecutrix who alleged that on 23.08.2019 at about 08:00 a.m., her daughter went missing from the house, who also took away jewellery and Rs.12,000/-. She suspected that the petitioner-Nand Ram @ Thanedar enticed away her daughter.

Learned counsel for the petitioner contends that the proposal of matrimonial alliance of petitioner with the victim did not mature and therefore, they both ran away. In this regard, he has invited the attention of this Court to the statement of victim recorded under Section 164 Cr.P.C. on 26.08.2019 (Annexure P-2). He further submits that the photograph of the victim with the petitioner shows that she was not minor and was above 18 years by appearance, who was referred to radiology department, but she did not undergo the age verification test at the time of medical examination on 25.08.2019 (Annexure P-3). Learned counsel for the petitioner contends that though the charges were framed on 25.11.2019, but till date, no witness has been examined. Learned counsel further submits that the trial Court has issued the warrants against the prosecution witnesses including the complainant on 16.12.2019, but no one is appearing for deposition before the trial Court. The victim has also not been examined so far, as according to the learned counsel she has already been married with someone else. He prays for bail.

Learned State counsel on instructions from ASI Narender has opposed the prayer on the ground that the victim was minor, and merely because the matrimonial proposal was dropped, the petitioner was not right in taking the girl away from her parents. He further submits that initially the victim was not even cited as witness and has been shown in the list of witnesses through an application given before the trial Court, which was allowed on 18.03.2021. It is not disputed by him that no prosecution witness has been examined so far.

After hearing the rival submissions of both the learned counsel for the parties and considering the above background, this Court finds that trial of the case is likely to consume considerable time to conclude, therefore, further detention of the petitioner behind bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 26.08.2019.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

26.03.2021
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No