

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17920-2021

Date of Decision: 19.05.2021

Ashish

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. P.L. Verma, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed seeking grant of regular bail under Section 439 of Code of Criminal Procedure in FIR No.23 dated 07.02.2021, under Sections 363, 366-A IPC and Section 6 of POCSO ACT, 2012, registered at Police Station Bhondsi, District Gurugram,

As per the allegations, an FIR was lodged on the basis of information provided by one Dinesh son of Jagan Singh that his daughter, aged 17 years had been learning stitching work nearby her home. On 03.02.2021 at about 01:00 p.m. She had gone to the Sewing Centre as per routine but she did not come back and thereafter it was found that she had gone with some boy, who was the petitioner and he was also missing and

she had also taken away Rs.40,000/- which was kept in the home.

The learned counsel for the petitioner has submitted that the girl was not minor but major. As per her school certificate it is shown to be of 17 years but as per her Aadhaar Card she was shown to be major and, therefore, there was dispute with regard to her age. The learned counsel has further submitted that in fact the petitioner and the girl had married with each other voluntarily and had also sought protection from the Hon'ble Allahabad High Court vide Annexure P-3. He further submitted that girl had also made a statement under Section 164 Cr.P.C. before the learned Magistrate that she had married the petitioner without telling about the same to her family members. The learned counsel submitted that the petitioner is in custody since 24.02.2021 and the investigation in the present case is already complete and the challan has already been presented. He submitted that the petitioner is not involving in any other case and, therefore, he may be considered for grant of regular bail.

Mr. Naveen Singh Panwar, learned DAG, Haryana has submitted that it is correct that the petitioner is in custody since 24.02.2021 and it is also correct that the petitioner is not involved in any other case. He has, however, opposed the grant of regular bail on the ground that the matter was serious in nature involving POCSO Act.

I have heard the learned counsel for the parties.

The custody period of the petitioner is not disputed and it is also not disputed that the petitioner is not involved in any other case. A bare perusal of protection order by Hon'ble Allahabad High Court vide Annexure P-3 would show that protection was granted to the girl. Furthermore, the age of the girl is also in dispute. The investigation of the case is already

complete and it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstances in the present case, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

19.05.2021
rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No