

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-22458-2021

Date of Decision: 23.6.2021

Pawan

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Naveen Kashyap, Advocate
for the petitioner (s).

Mr. Kirpal Singh Thakur, AAG, Haryana.

KARAMJIT SINGH, J.(Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The present petition has been filed under Section 439 Code of
Criminal Procedure for grant of regular bail to the petitioner in case FIR
No.578 dated 17.8.2020 registered for the offences punishable under
Sections 363, 366-A of Indian Penal Code (for short, "IPC") at Police
Station City Sadar Karnal, District Karnal.

On notice, present bail petition is contested by learned State
counsel who is having advance copy of the petition with him.

I have heard learned counsel for the petitioner as well as the
learned State counsel.

Learned counsel for the petitioner submitted that the petitioner
has been falsely implicated in this case as is clear from statement (Annexure
P-3) of the victim which was recorded by legal aid counsel on 20.8.2020.

20.8.2020 which was recorded by concerned Judicial Magistrate under Section 164 Cr.P.C. wherein she stated that the petitioner neither teased nor touched her, after taking her away from her parents' house.

Counsel for the petitioner further contended that the petitioner is in custody for the last more than 10 months and there is no progress in trial proceedings due to Covid-19 situation. So, he made prayer for release of the petitioner on regular bail.

On the other hand, learned State counsel submitted that serious allegations are there against the petitioner who kidnapped 16 years old girl from her parents' house during night time. He further submitted that present petition deserves to be dismissed.

I have considered submissions made by both the counsel.

As per FIR, complainant-Rahis reported to the police that on 17.8.2020 at about 1:30 a.m., petitioner-Pawan lured her daughter and took her away from the brick-kiln where he was residing with his family. On the basis of the said information, FIR was registered under Sections 363, 366-A IPC against the petitioner.

As per prosecution version, the petitioner was apprehended by the police on 19.8.2020 and minor daughter of the complainant was recovered from his custody.

From the perusal of Annexure P-3, it appears that during counselling of the minor, her statement was recorded by legal aid counsel in which she stated that she went with the petitioner without telling anyone and then they went to Karnal and lived there in rented accommodation for one day and in the meantime, her family reported the matter to the police

herself medically examined. Even in her statement recorded under Section 164 Cr.P.C. (Annexure P-2), minor victim stated that after taking her away from the brick-kiln, both of them walked on the road and stayed in rented accommodation during night but the petitioner neither touched nor teased her.

Undisputedly, the petitioner is in custody for the last more than 10 months. After completion of investigation, challan has been presented. However, till date, charge has not been framed. Proceedings in the trial Court are standstill due to restricted working on account of Covid-19 situation. In the given circumstances, I am of the view that no purpose is going to be served by detaining the petitioner in custody for any further period.

Consequently, without expressing any opinion on the merits of the case, present petition is allowed and the petitioner is ordered to be released on regular bail during trial on his furnishing requisite bail/surety bonds to the satisfaction of CJM/Duty Magistrate, Karnal. He is not to pressurize the prosecution witnesses in any manner.

June 23, 2021

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No