

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

CRM No.M-25133 of 2021 (O&M)

Date of Decision: July 15, 2021

Abhishek

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Ms.Sharmila Sharma, Advocate,
for the petitioner.

Ms.Ambika Luthra, Addl. Advocate General, Haryana
for the respondent-State.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

Petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.254 dated 17.07.2020 under Sections 363 and 366-A IPC, Police Station Sadar Rohtak, District Rohtak.

As per the version of the prosecution, the aforesaid case was registered on the application filed by complainant Naresh on 17.07.2020 on the accusation that on 16.07.2020 at 07:00 PM his daughter (victim) had gone away without informing anyone. She was having mobile No.84492-88521 but the same was not taken by her. He had also stated that he is

suspicious about Deepak to have enticed away his daughter. On the basis

thereof, the case was registered under Section 363, 366-A IPC at Police Station Sadar, Rohtak. However, during the course of investigation Deepak was found to be innocent. During the course of further investigation, victim was recovered on 08.08.2020 from Roorkee. Statement of the victim under Section 164 Cr.P.C. was also got recorded. Accused-Abhishek was arrested on finding evidence regarding his involvement in the case.

Now, it is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and he is in custody since 09.08.2020. It is also submitted that the victim has not supported the prosecution version, in her statement recorded under Section 164 Cr.P.C. Rather, she had stated about the performance of marriage with Abhishek and residing with him. It is also submitted that the victim is major now. Learned counsel for the petitioner also submitted that earlier also the petitioner had filed petition for grant of regular bail, which was dismissed by this very Court on 06.01.2021. It is also pointed out that in the previous bail order, it was mentioned about the victim to have undergone medical examination on 09.08.2020, but, however, she had refused to undergo medical examination. It is also submitted that even though, challan has been framed in the present case but for the last almost one year, charge has yet not been framed by the trial Court and therefore, consequential trial is also likely to take time. As such, a prayer has been made for grant of regular bail.

On the other hand, learned State counsel has resisted the claim for grant of regular bail. She submits that even though, challan has been presented but the charge has yet not been framed. It is only on account of the pandemic situation that there is delay in framing of the charge. Since,

petitioner of winning over the prosecution witnesses. As such, a prayer has been made for dismissal of the present petition.

The aforesaid case was got registered at the instance of the father of the victim. At the time of recording of statement under Section 164 Cr.P.C., the victim had got recorded her age to be 17½ years. She had stated about herself to have solemnized marriage with Abhishek-petitioner. However, she had refused to undergo medical examination, as evident from Annexure P-4.

Be that as it may. However, the fact remains that challan was presented in the Court on 02.09.2020, but till date, charge has not been framed. It is also pertinent to mention that first petition for seeking regular bail bearing CRM-M-31395-2020 was filed by the petitioner, which was decided by this Court on 06.01.2021. However, thereafter also, six months have passed but till date, charge has not been framed. As such, consequential trial is also likely to take time. Moreover, looking at the date of arrest of the petitioner i.e. 09.08.2020, it is almost one year, since he is in custody.

Considering the aforesaid circumstances, I deem it appropriate to extend benefit of regular bail to the petition. As such, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, concerned.

(ARCHANA PURI)
JUDGE

July 15, 2021
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
No