

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.109+217

Case No.: Crl.Misc.No.M-26371 of 2021 (O&M)

Date of Decision : September 16, 2021

Jaswant Singh alias Bant Petitioner

vs.

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present : Mr.Abhilaksh Grover, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhinna, AAG, Haryana.

* * *

MANJARI NEHRU KAUL, J. (Oral) :

CRM No.24557 of 2021 :

For the reasons mentioned in the application, the same is allowed and Annexures P-6 to P-8 are taken on record.

Main Case :

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in FIR No.34 dated 11.03.2021 under Sections 363, 366A, 506, 120B, 342 IPC and Sections 4, 6, 17 of the POCSO Act, registered at Police Station Sadar Jagadhri, District Yamuna Nagar, Haryana.

Learned counsel for the petitioner, by inviting the attention of this Court to the allegations levelled in the FIR, inter alia contends that the complainant had only raised a suspicion qua the son of the petitioner having enticed away his daughter, aged 16 years, on the pretext of marrying her. Learned counsel submits that subsequently, when the victim was recovered after four days, in her statement recorded under Section 164 Cr.P.C.

(Annexure P-3), she did not allege anything against anyone much less against the petitioner and rather stated that she had accompanied the petitioner's son of her own accord as she was in love with him. It was also stated by her that once they exhausted the money which she and the petitioner's son were carrying, they returned back. Learned counsel further submits that two days later i.e. on 16.03.2021, her statement under Section 164 Cr.P.C. was again recorded wherein she gave a version which was at complete variance with her first statement made on 14.03.2021. Learned counsel submits that it is but obvious that the statement made by the victim on 16.03.2021 was under pressure of her family wherein she alleged that the petitioner had threatened her that in case she disclosed anything to her family or police, her brother would be killed.

Per contra, learned State counsel, while opposing the prayer of the petitioner, has not been able to controvert the contents of the two statements made under Section 164 Cr.P.C. by the victim.

Heard.

The correctness or otherwise of the two statements made by the victim under Section 164 Cr.P.C. is a matter which shall be adjudicated upon during trial. In the facts and circumstances of the case, the petition is allowed and the petitioner is admitted to bail to the satisfaction of the concerned Trial Court/Duty Magistrate. However, it is made clear that any observation made herein shall not be construed as an expression of opinion on the merits of the case.

September 16, 2021

(MANJARI NEHRU KAUL)
JUDGE

monika

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No

