

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)

CRM-M-28513-2021
Decided on : 02.08.2021

Ajay Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. K.S.Virk, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.72 dated 20.02.2021 registered under Sections 363, 366-A IPC,1860 (Section 201 IPC and Section 3(2)(v) of SC/ST Act added subsequently) at Police Station Sadar Jind, District Jind.

Learned counsel for the petitioner submits that totally false allegations have been levelled against the petitioner of having enticed the prosecutrix away, which stand corroborated from the statement of the prosecutrix recorded under Section 164 Cr.PC (Annexure P-1). While inviting the attention of this Court to her statement, learned counsel submits that the prosecutrix had not levelled any allegations against the petitioner much less of enticing her away and rather had stated that it was on account of the beatings given to her by her parents, she had accompanied the petitioner of her own accord and thereafter she had been residing happily with her parental aunt(bua). He further submits that soon after her recovery,

the prosecutrix had even declined to subject herself to any medical examination. In support of this submission, he has invited the attention of this Court to Annexure P-3. Hence, a prayer has been made to extend the concession of bail to the petitioner as he has been in custody since 27.02.2021.

Per contra, learned State counsel has opposed the prayer and submissions of learned counsel for the petitioner. She, on instructions from ASI Satish Kumar has submitted that the prosecutrix, who was 15 years and 2 months old girl, was found missing as a result of which her father had got the FIR in question registered against unknown person. She has however admitted on instructions that in her statement recorded under Section 164 Cr.PC, the prosecutrix had not levelled any allegations against the petitioner nor got herself medically examined subsequent to her recovery.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 27.02.2021, the trial is unlikely to conclude in the near future. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

02.08.2021
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No