

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

(Proceedings through Video Conferencing)

**CRM-M-33092-2021
Date of Decision : 19.08.2021**

Aman @ Kuli

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.S.Sandhu, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANJARI NEHRU KAUL (Oral)

Prayer in the present petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.135 dated 16.03.2021, registered under Sections 363, 365, 366-A, 506 IPC, Section 8 of POCSO Act, 2012 and Section 3(2) SC/ST Act, 1989, at Police Station Gharaunda, District Karnal.

While inviting the attention of this Court to the contents of the FIR which was got registered by the father of the victim, learned counsel for the petitioner submits that the only role attributed to the petitioner by the father was that the petitioner being a friend of the main accused Sunny could also have been involved in the kidnapping of his daughter. He submits that in the statement recorded under Section 164 Cr.P.C. subsequent to her recovery, the prosecutrix did not level any allegation of sexual assault qua the petitioner and had only stated that the petitioner and another boy

had accompanied the main accused Sunny when she was allegedly kidnapped. Learned counsel for the petitioner further submits that strangely the main accused Sunny qua whom specific allegations were levelled by not only the father of the victim but the victim herself had been declared innocent by the Investigating Agency and the petitioner who was not attributed any sexual assault, charge sheeted. Learned counsel for the petitioner, thus, prays for grant of bail as the petitioner has been in custody since 20.03.2021.

Per contra, learned State counsel, while opposing the prayer of the petitioner, has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner with respect to the role attributed to the petitioner in the crime in question. She has very fairly conceded that the main accused Sunny qua whom specific allegations were levelled of kidnapping the victim had been declared innocent by the Investigating Agency.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 20.03.2021, the present petition is allowed. 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.

(MANJARI NEHRU KAUL)
JUDGE

19.08.2021

mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No