

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

Sr. No.204

CRM-M-31395-2020

Date of Decision: 06.01.2021

ABHISHEK

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.R.S.Manhas, Advocate
for the petitioner.

Mr.M.S.Nagra, Assistant Advocate General, Punjab.

ARCHANA PURI, J.

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

This is a petition seeking regular bail under Section 439 Cr.P.C. in case bearing FIR No.254 dated 17.07.2020 under Section 363 and 366-A IPC, registered at Police Station Sadar, 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 (prosecutrix) 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, prosecutrix was recovered on 08.08.2020 from Roorkee. Statement of the prosecutrix under Section 164 Cr.P.C. was also got recorded and her medical examination was conducted on 09.08.2020. 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 case and he is in custody since 09.08.2020. It is also submitted that the prosecutrix has not supported the version in her statement under Section 164 Cr.P.C. Rather, she had submitted about performance of marriage with Abhishek and residing with her. It is also submitted that the prosecutrix is now major. 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 and submits that even though, challan has been presented, but however, charge has yet not been framed. As such, the case is at initial stage therefore, it is submitted that it shall not be appropriate to release the petitioner on regular bail.

As per the version of the prosecution, the prosecutrix was minor, at the time of occurrence and as per the disclosure statement of the accused, he has called her at Karnal for the purposes of marriage, therefore, she was under the inducement of the petitioner. Even though consensual relationship is stated to be there, but however, considering the age of the

prosecutrix, it is too early to comment upon the innocence of the petitioner.

In view of the given circumstances, at this stage, I do not deem it appropriate to grant regular bail to the petitioner. As such, the petition is hereby dismissed.

(ARCHANA PURI)
JUDGE

06.01.2021
Himanshu

Whether speaking/reasoned	Yes
Whether reportable	No