

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

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**CRM-M-39393-2021
Decided on : 27.09.2021**

Rajat

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Naveen Kashyap, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana
assisted by SI Balbir Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 135, dated 16.03.2021 (Annexure P-1), under Section 365 of IPC (later on added Sections 363, 366-A, 506 of IPC and Section 8 of the POCSO Act, 2012), registered at Police Station Gharaunda, District Karnal.

Learned counsel for the petitioner submits that the only role attributed to the petitioner is that he was a friend of the main accused Sunny, who had allegedly kidnapped the minor daughter of the complainant. Learned counsel further submits that even in the statement recorded under Section 164 Cr.P.C., subsequent to her recovery, the victim did not level any allegation of sexual assault *qua* the petitioner and only stated that the petitioner along with the co-accused Aman @ Kuli 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, instead 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 has opposed the prayer and submissions made by learned counsel for the petitioner. He, however, 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.

I have heard learned counsel for the parties and perused the material on record.

In the facts and circumstances of the case as enumerated hereinabove, the petition is allowed. The petitioner be admitted to bail to the satisfaction of 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

September 27, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*