

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

**CRM-M-36794 of 2020
DATE OF DECISION :- March 24, 2021**

Mahavir @ Mavi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Tarun Sharma, AAG, Haryana.

Mr. Saleem Ahmed, Advocate for the complainant.

The case has been taken up through Video Conferencing.

This petition for regular bail has been filed by petitioner Mahavir @ Mavi, son of Shri Kalu Ram, aged 23 years, resident of House No. 728, near house of Dr. Chatar Singh, Rahul Colony, NIT No. 3 Faridabad, an accused in F.I.R. No. 265 dated 3.6.2019 registered with Police Station S.G.M. Nagar (Sanjay Gandhi Memorial Nagar), Faridabad for offences under Sections 363, 366-A IPC (Section 4 of Protection of Children from Sexual Offences Act, 2012 subsequently added).

Briefly stated the prosecution story is that M (name withheld to conceal the identity of the victim), aged 17 years, daughter of Prem Singh, resident of Faridabad was kidnapped by petitioner Mahavir @ Mavi on 3.6.2019 on the pretext of marriage.

On matter being reported by Smt. Satyawati, mother of the minor girl, formal F.I.R was registered. Petitioner accused was arrested in this case on 8.6.2019. After completion of investigation the challan has been filed against

him and the matter is pending trial. The petitioner had approached the Court of Sessions at Faridabad seeking regular bail but was unsuccessful, as such he has knocked at the door of this Court craving for grant of similar relief, which request is being opposed by the State counsel as well as learned counsel appearing for the complainant.

I have heard learned counsel for the petitioner, learned counsel for the complainant and learned State counsel besides going through the record.

The victim in question has since committed suicide on 10.10.2019 in her parental house. Petitioner Mahavir @ Mavi has not been booked for offence under Section 306 IPC for the said reason. He is an accused in the F.I.R on the allegation of kidnapping a minor girl by giving her allurements of marriage. Counsel for the petitioner has drawn my attention to statement of the prosecutrix got recorded with JMFC Faridabad, copy of which being Annexure P3, wherein she is said to have gone with the petitioner of her own and had stated that petitioner had not done any wrong act with her. However, consent of minor is no consent in the eyes of law but from her statement got recorded by JMFC Faridabad it comes out that she had not levelled any allegations of sexual assault or rape upon the petitioner. She is said to have left this mortal world by ending her own life. The petitioner is behind bars since 8.6.2019. In the trial Court the next date of hearing as informed by the State counsel is 10.5.2021 and out of 18 PWs cited by the prosecution 3 PWs have been examined. In that way conclusion of trial is likely to take considerable time. There could have been an apprehension of petitioner trying to give threat or inducement to the material prosecution witnesses i.e. parents of the victim but in para No. 6 of the order passed by Additional Sessions Judge, Faridabad (Annexure P7) it is clearly mentioned that parents of the prosecutrix victim have been examined, therefore, such possibility stands ruled out. The guilt of

the accused shall be determined during the trial. Thus without going into the detailed merits of the case, I find it a fit case to grant regular bail to the petitioner.

Therefore, petitioner Mahavir @ Mavi is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Faridabad subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.
- (iv) he shall not indulge in any criminal activity.
- (v) he shall join the investigation as and when directed by the Investigating Officer.
- (vi) he shall get his presence marked in the local police station on every Saturday of the week between 11.00 A.M. to 2.00 P.M. so that an eye can be kept on his movements and he is deterred from indulging in any criminal activity.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

March 24, 2021

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No