

SAHIL

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Mr. Rajneesh Chadwal, AAG, Haryana. .

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated through
email today and the same is taken on record.

Sahil-petitioner is seeking regular bail in the case bearing FIR No.
227 dated 17.05.2021 under Sections 363/366-A IPC, 1860, registered at Police
Station Narnaund, District Hisar.

Briefly, the case has been registered on the basis of the statement of
the complainant alleging that his daughter aged about 17 years went missing and
he further alleged that petitioner along with his friends had taken her by playing
deception.

It has been contended by the learned counsel for the petitioner that
the investigation of the case is complete. At the first instance, the FIR was
registered under Sections 363/366-A IPC and subsequently, the offence under
Section 376(2)(n) IPC and Section 4 of Protection of Children from Sexual
Offences Act were added. The victim was not recovered from the custody of

stated that she left the house without informing her parents and had gone to her friend Anjali, she returned back and nothing wrong had happened to her and had gone with her own consent. Subsequently, the offence under Section 376(2)(n)/34 IPC and Section 4 of the POCSO Act were deleted, other persons named in the FIR except the petitioner were found innocent and even the charge has been framed under Sections 363/366-A IPC.

On instructions from SI Ghanshyam Devi, learned State counsel has not assailed the aforesaid facts but has argued that as per medical opinion, the possibility of sexual intercourse has not been ruled and the victim is minor.

It is significant to note that the victim has not imputed the petitioner in the statement recorded under Section 164 Cr.P.C. and even the offence under Sections 376(2)(n) IPC and Section 4 of POCSO Act has been deleted. Furthermore, the charge has been framed under Sections 363/366-A IPC only. The offence under Section 363 IPC is bailable. The FIR appears to have been registered against the petitioner only on the basis of suspicion, the investigation of the case is complete, the challan has already been presented and conclusion the trial is conclusion of the trial is likely to take sometime and in view of the peculiar circumstances of the case, no fruitful purpose will be served by detaining the petitioner in further custody.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

22.11.2021
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

