

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CRM-M-48978 of 2021
Date of decision:29.11.2021

Vijay

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rajnikant Upadhyay, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of regular bail to the petitioner in case FIR No.200 dated 07.07.2020 registered for offences under Sections 363, 366-A of Indian Penal Code, 1860 (for short "IPC") (Sections 120-B, 328, 34, 354, 376-D, IPC and Sections 4, 6, 10, 17 of the Protection of Children from Sexual Offences Act, 2012, were added later on) at Police Station Murthal, Sonapat (Annexure P-1).

As per the case of the prosecution, FIR (Annexure P-1) has been registered on the complaint of Pritam Singh, father of a 16 years old girl, on the allegation that she has gone missing and he suspects that

Gautam to have enticed her on the pretext of marriage. Petitioner was arrested on 12.07.2020.

Counsel for the petitioner has placed reliance upon the testimony of complainant, his wife and that of the victim appended with the petition as Annexures P-4 to P-6, respectively, who appeared in the witness box as witnesses PW1 to PW3 to submit that the complainant and his wife, have categorically deposed that the accused neither seduced their daughter nor did he sexually assault her. He has invited the attention of the Court to statement of the victim and submitted that she has stated that she left her parental home on her own volition as her father had beaten her and had gone to an aunt's house from where she came back after 04 days. Counsel submits that victim has specifically denied any role of the petitioner. Reliance has been placed by him upon the orders dated 05.10.2021 and 11.11.2021 (Annexures P-2 and P-3), whereby, co-accused, Suraj and Gautam have been ordered to be released on bail by this Court.

Per contra, State counsel upon instructions from L/ASI Seema, while opposing the petition, argues that in her statement recorded under Section 164 Cr.P.C., the victim has alleged sexual assault by the petitioner, though she could not deny the fact that in her testimony, the victim and other material witnesses have turned hostile.

I have considered the arguments of counsel for the parties.

Considering the circumstances of the case, the fact that charge has framed, material witnesses have been examined, petitioner is in custody for the last more than one year and four months and the trial is

likely to take time to conclude, this Court is of the view that the petitioner would be entitled to be released on bail.

Without delving in the merits or demerits of the arguments addressed by counsel for the parties, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

November 29, 2021
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>