

209 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49668-2021

Date of Decision: 01.12.2021

PARVEEN

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Munish Kamboj, Advocate
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

By way of present petition, the petitioner is seeking regular bail in case bearing FIR No. 223 dated 16.07.2021 under Sections 363 and 366 IPC registered at Police Station Sadar, Fatehabad.

Briefly, the case has been registered on the basis of the statement of the father of the victim alleging that the victim was aged about 15 years and 06 months. On 14.07.2021, the petitioner took away the victim by causing inducement on the pretext of solemnization of marriage.

In pursuance of advance notice, Mr. Apoorv Garg, Deputy Advocate General, Haryana has joined the proceedings on behalf of the respondent-State. Mr. Munish Garg, Advocate has filed memorandum of appearance on behalf of the complainant.

Custody certificate of the petitioner has been placed on record.

It has been contended by the learned counsel for the petitioner that in the statement under Section 161 Cr.P.C., the victim had stated that she was in touch with the petitioner who had given her a phone. The victim used to talk with the petitioner on the mobile phone and her parents caught hold of the phone. The victim got annoyed and left the home and on 19.07.2021, her parents brought her

to the police station. It has been specifically mentioned in the statement under Section 161 Cr.P.C. that the petitioner had not done anything wrong with her and even she refused to get herself medically examined.

Subsequently, the father and mother of the victim had also got recorded the statement to the effect that the petitioner had not done anything wrong with the victim and their daughter had gone with him of her own. It has been further stated that the investigation of the case is complete and challan has been presented in the Court.

Learned State counsel has not assailed the aforesaid factual aspect of the matter, but has opposed the bail application on the score that in the statement recorded under Section 164 Cr.P.C. it had emerged that the victim had gone to a hotel with the petitioner and resided around Hisar for a period of three days.

It may be mentioned here that there is no allegation levelled against the petitioner in the statement under Section 161 Cr.P.C. It will remain debatable issue as to whether the petitioner had actually kidnapped the victim and that too to compel her for marriage etc. Admittedly, there is nothing to suggest the commission of offence under Section 376 IPC. The investigation of the case is complete, challan has already been presented, the conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in custody.

In these set of circumstances, the present petition is allowed. Petitioner is ordered to be released on bail, on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

01.12.2021
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(VIVEK PURI)
JUDGE

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