

219 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-997-2022

Date of Decision: 14.01.2022

KULDEEP

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.L.K.Gollen, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

VIVEK PURI, J.(ORAL)

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

Through instant petition, the petitioner is seeking regular bail in case bearing FIR No. 147 dated 03.05.2021 under Sections 363/366-A/120-B IPC, Section 6 of POCSO Act and Section 3(2) (v) of SC and ST Act registered at Police Station Ateli, District Mahendergarh.

In pursuance of advance notice, Mr. Tanuj Sharma, AAG, Haryana, has joined the proceedings.

Briefly, the FIR has been registered on the statement of the father of the victim alleging that she was 17 years old and Raman (co-accused) had kidnapped her.

Learned counsel for the petitioner contends that the allegations against the petitioner are only to the effect that he had given lift on his motorcycle to the victim and the co-accused Raman. There was no *mens rea* on his part and was absolutely unaware of the fact the co-accused had kidnapped the victim.

Learned counsel for the petitioner further contends that the arrest of the petitioner was effected on 28.09.2021, the investigation of the case is complete, challan has already been presented in the Court and he is not involved in any other case.

Learned State counsel, on instructions from ASI Rajiv Kumar, has not assailed the aforesaid factual aspects but has argued that the petitioner is a perpetrator to the conspiracy.

Be that as it may, the substantial allegations of abduction and commission of rape have been levelled against Raman (co-accused). Furthermore, the statement of the victim under Section 164 Cr.P.C. only indicates that the petitioner had dropped them at Halawas on his bike. The allegations against the petitioner are only with regard to criminal conspiracy and the same will be a debatable point during the course of trial. Even the statement of the victim under Section 164 Cr.P.C. indicates that she had gone to Raman without telling anything to anyone.

Keeping in view the above, without making any comment on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate/trial Court.

14.01.2022
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(VIVEK PURI)
JUDGE

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