

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.5045 of 2022
Date of decision:30.08.2022

Sandeep

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. D.R. Bansal, Advocate for
Mr. Ranesh Bansal, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

This is the first petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No.176 dated 19.04.2021 registered under Sections 363 and 366 of IPC, 1860, at Police Station Jind City, District Jind.

Case of the prosecution is that FIR has been registered on the complaint of a mother of a 16 year old girl on the allegation that her daughter is missing from her parental home and despite extensive search, she could not be located. She suspects that Sandeep (present petitioner) has allured her on the pretext of marriage.

Counsel for the petitioner has made a reference to the statement of the prosecutrix recorded under Section 164 of Cr.P.C. on

18.08.2021, Annexure P-5, as well as her deposition to submit that the prosecutrix has stated that she left her paternal home of her own accord and that the petitioner has not committed any “wrong act” with her. Counsel submits that the petitioner as well as the prosecutrix filed a joint petition seeking protection before this Court and vide order dated 29.06.2021, Annexure P-3, the petition was disposed of with a direction to the official respondents to arrange for her stay at a protection home. Counsel submits that the petitioner, who otherwise has clean antecedents and is in custody since 14.09.2021, deserves to be enlarged on bail as the prosecutrix has been examined.

Per Contra, State counsel, upon instructions from L/ASI Reena, has opposed the petition, however, she could not dispute the statement as well as deposition of the prosecutrix. She submits that the prosecutrix is a minor and has been kept at a Bal Bhawan, Karnal. Still further, upon instructions, she submits that 06 out of 10 prosecution witnesses have been examined.

Having considered the submissions made by counsel for the parties, but without adverting to the merits or de-merits of the arguments addressed and keeping in view the fact that there is no allegation of sexual assault against the petitioner, this Court is *prima facie* of the view that the petitioner, would be entitled to be released on bail as the trial is likely to take time to conclude.

Petition is allowed. Petitioner is ordered to be released on bail on 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 an expression of opinion on the merits of the case.

30.08.2022
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No