

**214 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-5034-2022

Date of Decision: 22.02.2022

PARAMDEEP

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.P.S.Ahluwalia, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking regular bail in case bearing FIR No.480 dated 02.12.2018 under Sections 120-B, 174-A, 363, 366-A, 376, 420, 467, 468, 471 IPC and Sections 4, 17 and 21 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act') registered at Police Station Gohana Sadar, District Sonipat.

Briefly, the aforesaid FIR was registered at the instance of the father of the prosecutrix alleging that his daughter, aged about 17 years and 02 months, has been enticed away with an intent to perform marriage. Subsequently, Rohit was nominated as an accused and it had emerged that he had solemnized marriage with the prosecutrix by preparing fake documents depicting the age of the prosecutrix.

Learned counsel for the petitioner contends that Rohit faced trial and he has been convicted and sentenced for the commission of offences under Sections 420 and 471 IPC and it has been concluded that the commission of offence under Sections 363, 366-A, 506, 376, 467 and 468 IPC and 6 of the of the POCSO Act are not proved beyond the shadow of reasonable doubt and was acquitted on those counts. He further contends

that subsequently Sunil and Mantu were nominated as accused and on the basis of their disclosure statements, the petitioner has been nominated.

The allegation against the petitioner is to the effect that he had got prepared the forged matriculation certificate of the prosecutrix and Rohit. It has been further stated that Sunil as well as Mantu were also declared as proclaimed persons and they had been granted bail by the trial Court. Even the charges under Sections 120-B, 420, 467, 468 and 471 IPC have been framed against them. Moreover, the petitioner was declared a proclaimed person on 09.09.2021 and within a period of about 2½ months, he had himself surrendered before the Court on 29.11.2021. The petitioner is not involved in any other case except FIR No. 347 dated 15.09.2021 under Section 174-A IPC, registered at Police Station Sadar Gohana, Sonipat, which is also as off-shoot of the present case and he is on bail in that case.

Counsel for the petitioner further states that the petitioner is in custody for a period of 02 months and 21 days, challan qua him has also been presented and his custodial interrogation is over.

Status reply by way of affidavit of Upasana, Additional Superintendent of Police, Sonipat and custody certificate of the petitioner have been placed on record.

Learned State counsel, on instructions from ASI Sunil Kumar, has not assailed the aforesaid factual aspects of the matter.

Keeping in view the fact that the petitioner remained proclaimed person only for brief period of about 2½ months, he surrendered of his own, the allegations against him are based upon the disclosure statement of the co-accused, who are already on bail, the investigation of the case is complete, challan has been presented and the co-accused Rohit has

been acquitted with regard to the offences under Sections 363, 366-A, 506, 376, 467 and 468 IPC and Section 6 of the POCSO Act, though convicted under Sections 420 and 471 IPC, no fruitful purpose will be served by detaining the petitioner behind the bars.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation 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.

22.02.2022

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(VIVEK PURI)**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No