

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

CRM-M-4715-2022

Date of Decision: 20.7.2022

Vikash

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Lovish Mittal, Advocate for
Mr. Pratham Sethi, Advocate, for the petitioner.
Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.655 dated 23.9.2021, registered under Sections 120-B, 363, 366-A, 420, 467, 468, 471 IPC (Section 366 IPC added and Section 366-A IPC deleted lateron), at Police Station Kharkhoda, District Sonipat.

As per factual matrix of the case, the present complaint was lodged by one Krishan. It was alleged that Raman son of Ramesh, who was residing in neighbourhood had kidnapped his daughter, who was 16 years of age on 18.9.2021 on pretext of marriage. It was further alleged that Raman solemnized marriage with her daughter by preparing fake documents of her age and they appeared before the District Court, Sonipat. The date of birth of his daughter is 25.8.2005. A complaint was filed with a request to take legal action against the accused. On the basis of the complaint, the FIR was lodged and investigation commenced. The victim was recovered on 24.9.2021 and she was produced before the learned Magistrate and her statement under Section 164 Cr.P.C. was recorded on the same day. The

petitioner was arrested on 26.9.2021. The petitioner approached the learned Additional Sessions Judge, Fast Track Court, Sonipat for grant of bail, who after hearing the parties, declined the same vide its order dated 24.1.2022. Aggrieved by the same, the petitioner approached this Court by way of filing the present petition for grant of regular bail.

Learned counsel for the petitioner vehemently contends that the petitioner has been falsely and frivolously implicated in the present FIR. He submits that from the reading of the FIR, it is apparent that the petitioner was not named in the FIR. He submits that the statement of the prosecutrix was also recorded under Section 164 Cr.P.C. and even in that there is no whisper regarding the complicity of the petitioner. He submits that thereafter, on 24.9.2021 disclosure statement of accused Raman was recorded by the Investigating Agency. He submits that in the disclosure statement, accused Raman disclosed about one accused, namely Deepak resident of Jhajjar alleging that he prepared the fake birth certificate of the victim by changing her date of birth. He has submitted that however on the very next day, the police recorded another disclosure statement of accused Raman, who stated that in his earlier disclosure statement, he has named Deepak due to fear, whereas, actual person who prepared the fake birth certificate is Vikash son of Munna. Learned counsel for the petitioner contends that the disclosure statement of co-accused is inadmissible evidence and thus, the prosecution has virtually no evidence against the petitioner. He has submitted that even otherwise the investigation is already complete and charges were framed and now the case is fixed for prosecution evidence. He has submitted that false implication of the petitioner is writ

large and the petitioner has no criminal antecedents and hence, deserves to be granted bail.

However, learned State counsel has opposed the submissions made by learned counsel for the petitioner. On instructions from ASI Joginder, he submits that though the name of the petitioner is not mentioned in the FIR, however, his complicity has been surfaced during the investigation. He has submitted that during the investigation name of the petitioner was revealed by co-accused Raman and on the basis of the same, recovery of computer system was recovered from his house. However, he submits that there is no other case pending against the petitioner.

Heard.

Admittedly, the petitioner is behind bars since 26.9.2021. The evidence relied upon by the prosecution is the disclosure statement of the co-accused Raman. Besides this there is recovery of one computer from the petitioner. The prosecution as on date is proceeding against the petitioner on the basis of the disclosure statement of co-accused and on the basis of the recovery of the computer. How both things are relevant for establishing the charges against the petitioner, is matter of trial. However, restricting itself to the prayer made for bail, this Court finds that there is nothing on record to show that the petitioner has criminal antecedents.

In the overall facts and circumstances of the case, I am of the opinion that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial is likely to take time in its conclusion. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial

Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion
on the merits of the case.

20.7.2022
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned

:

Yes/No

Whether Reportable

:

Yes/No