

JONY @ ROHIT

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Parveen Kumar Rohilla, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

VIVEK PURI, J. (ORAL)

In pursuance of advance notice, learned State counsel is present and placed on record the custody certificate.

Jony @ Rohit-petitioner is seeking regular bail in the case bearing FIR No. 420 dated 27.07.2021 under Sections 363/366-A IPC and Sections 3(2) V, 3(2) Va of SC/ST Act, 1989, registered at Police Station Sector 32-33, Karnal, District Karnal.

Briefly, the case has been registered on the basis of the statement of father of the victim alleging that on 26.07.2021 some unknown person had taken the victim who was 15 years old.

Learned counsel for the petitioner contends that the petitioner has not been named in the FIR. In her statement recorded under Section 164 Cr. P.C., the victim has not imputed the allegations with regard to kidnapping and sexual abuse against the petitioner. Moreover, the petitioner is in custody for a period of 06 months and 13 days, is not involved in any other case, the investigation of the case is complete and challan has already been presented in the Court.

On instructions from ASI Sulinder Singh, learned State counsel has not assailed the aforesaid factual aspects and has opposed the bail application on the score that the victim was 15 years old.

It is significant to note that in the statement under Section 164 Cr.P.C, the victim has not levelled specific allegations of kidnapping or sexual abuse against the petitioner. As such, it cannot be concluded at this stage that the victim had left the house on account of any force, threat, allurements and pressure exerted by the petitioner upon her.

As per custody certificate, the petitioner is in custody for a period of 06 months and 13 days, the investigation of the case is complete, challan has already been presented and the conclusion of the trial is likely to take sometime. As such, no fruitful purpose will be served by detaining the petitioner in further custody.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

17.02.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No