

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

220

CRM-M No.10058 of 2022
Date of decision:14.03.2022

Nanhe Lal

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Parveen Sharma, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Pankaj Bali, Advocate for respondents No.2 and 3.

SUVIR SEHGAL J.(ORAL)

Heard through video conferencing.

This is the first petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.125, dated 06.04.2021 registered for offence under Sections 363/366-A of IPC, 1860, (Section 06 of Protection of Children from Sexual Offences Act, 2012 was added later on) at Police Station Khedi Daula, Gurugram, Annexure P-1.

FIR, Annexure P-1, has been registered on the statement of a father of a 16 years old girl on the allegation that his daughter has gone missing from his *jhuggi* and despite attempts to locate her, he could not succeed.

Counsel for the petitioner urges that the minor victim had left her paternal home of her own volition as she was in a relationship with the petitioner and her parents were opposed to this relationship. He submits that the petitioner and the victim married each other and she came back home on 25.06.2021. He has placed reliance upon the statement of the victim recorded under Section 164 of Cr.P.C. and her deposition, Annexure P-2, before the Court as well as the deposition of her parents, Annexures P-3 and P-4 respectively. Counsel asserts that the petitioner, who has an unblemished past and is languishing in jail since 07.07.2021, deserves to be enlarged on bail.

Per contra, learned State counsel upon instructions from L/SI Indresh, has opposed the petition and has submitted that the victim is a minor. Upon instructions, she could not deny that in her statement under Section 164, Cr.P.C. the victim has stated that she left her home of her own and that the material witnesses have turned hostile. Upon further instructions, she submits that 05 out of 23 witnesses including the 03 material witnesses, have been examined.

Mr. Pankaj Bali, Advocate, who has put in appearance on behalf of the complainant has filed his Power of Attorney. He has submitted that the complainant does not have any objection, in case the petition is accepted and the petitioner is released on bail.

I have considered the respective submissions made by counsel for the parties.

Considering the above facts and circumstances, this Court is prima facie of the opinion that complicity of the petitioner in the offence

would be a matter of debate before the trial court.

Therefore, the petitioner, who is in custody for the last more than 08 months would be entitled to be released on bail, in view of his unblemished antecedents and taking into account the fact that the trial is likely to take time to conclude.

Without adverting to the arguments addressed by the counsel for the parties, the petition is allowed. The 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.

14.03.2022

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(SUVIR SEHGAL)
JUDGE

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