

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

(Sr. No. 209)

CRM-M No. 17163 of 2022

Date of decision : 29.04.2022

Akashdeep @ Akash

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Kushager Goyal, Advocate for the petitioner.

Mr. Sumit Jain, Addl. A. G., Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.6 dated 03.01.2022 registered under Sections 363 and 366-A IPC (Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on) at Police Station Sadar Sirsa, district Sirsa.

The petitioner is being prosecuted for having allegedly enticed the complainant's minor daughter on the pretext of marrying her.

Learned counsel for the petitioner contends that the petitioner who is a 22 year old young boy has been falsely implicated in this case for the reason that the petitioner and the complainant's daughter are in a consensual relationship which is against the wishes of the complainant; there is no other criminal case being faced by the petitioner; the alleged victim has since been recovered and is presently staying with her parents; the petitioner and the alleged victim had jointly approached this Court

through CRWP No.58 of 2022 seeking protection of their life and liberty which was disposed of on 06.01.2022 by directing the petitioner and the alleged victim to be produced before the Illaqa Magistrate for recording of the alleged victim's statement; it was further ordered by this Court that till the alleged victim attains majority she would be housed in the Nari Niketan; such order of this Court at least shows the *bona fides* on the part of the petitioner; on 13.01.2022 the alleged victim appeared before the Magistrate and stated that the petitioner had not enticed her and that he also did not do any misdeed with her; again on 03.02.2022 the alleged victim appeared before the Magistrate to *inter alia* state that the petitioner was innocent; the petitioner is in custody since 13.01.2022; investigation in the case is complete and that since the petitioner's trial has not even yet started the same as and when and if it begins the same would take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he enticed a minor girl.

The petitioner is a young boy aged 22 years; he is in custody since 13.01.2022; there is no other criminal case that the petitioner faces; investigation in the case is complete; the alleged victim has appeared twice before a Magistrate to state that the petitioner did not entice her away and that he is innocent; the alleged victim is with her parents; no recovery is required to be made from the petitioner; there is no allegation of any sexual assault by the petitioner and that the petitioner's trial as and when and if it begins is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit

one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Sirsa, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

29.04.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No