

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

(Sr. No. 209)

CRM-M No.20946 of 2022

Date of decision : 27.05.2022

Mohar Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Manish Mehta, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

Status report has been filed on behalf of the State today in the Court which is ordered to be taken on record.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.165 dated 19.03.2020 registered under Sections 363, 365, 366-A, 120-B IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 at Police Station City Narnaul, district Mahendergarh.

The case of the prosecution qua the petitioner is that he harboured the accused and the alleged victim when she was kidnapped by the main accused – Bhale Singh.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as the alleged victim and co-accused Bhalle Singh got married against the wishes of the complainant; the petitioner has no other criminal case pending against him; in the statement made by the alleged victim under Section 164 Cr.P.C. she has made no

allegation against the petitioner and has in fact even exonerated the main accused - Bhale Singh; even after attaining majority the alleged victim and the main accused - Bhale Singh are living together as husband and wife; similarly placed co-accused Vishambar and Dharamveer Kasana have been released on anticipatory bail by this Court and that in the light of the afore developments further incarceration of the petitioner is not necessary.

Learned State counsel does not dispute the above factual position.

In the light of the above and without commenting on the merits of the case, this Court is of the opinion that the present case is 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, Narnaul 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.

27.05.2022*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No