

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

208

CRM-M No.30865 of 2022 (O & M)
Date of decision:22.07.2022

Rohit

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Aakash Juneja, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

CRM No.24841 of 2022

Application is allowed as prayed for.

Necessary permission is granted.

Main Case

This is the first petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No.529 dated 26.09.2021 registered under Section 365 IPC, however, Sections 363, 366-A, IPC were deleted and Section 366 IPC was added later on, at Police Station Sampla, District Rohtak.

Case of the prosecution is that FIR has been registered on the statement of father of a 16 year old girl (hereinafter referred to as “the prosecutrix”) on the allegation that his daughter is missing from home.

By referring to the statement, Annexure P-2, counsel for the petitioner submits that on 28.09.2021, the complainant appeared before the police with the victim and stated that she has returned home, however, he requested that action be taken against Rohit, present petitioner, for enticing his daughter. Counsel for the petitioner has placed reliance upon the statement of the prosecutrix recorded under Section 164 of the Code to

submit that she stated that she left her paternal home of her own volition. Counsel asserts that the petitioner, who is in custody since 29.09.2021, deserves to be enlarged on bail.

Per Contra, State counsel, upon instructions from ASI Arvind submits that although one official witness has been examined, but both the prosecutrix and her father, who is the complainant, are yet to step into the witness-box. Upon further instructions, she submits that the prosecutrix refused to get herself medically examined. Still further, she submits that the prosecution has a list of 13 prosecution witnesses, who have to be examined.

Having heard counsel for the parties and considering the background, this Court is *prima facie* of the view that the culpability of the petitioner, would remain controvertible before the trial court. The petitioner, who is in incarceration for the last almost 10 months, would be entitled to be enlarged on bail as the prosecution has yet to examine all the witnesses and there is remote possibility of an early conclusion of trial.

Without advertng to the merits or de-merits of the arguments addressed by counsel for the parties, petition is allowed. 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.

22.07.2022

(SUVIR SEHGAL)

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JUDGE

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