

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-33615 of 2022 (O&M)
Date of decision:16.12.2022

Bintu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Santosh Bhardwaj, Advocate for
Mr. Punit Malik, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 439 Cr.P.C., seeking grant of regular bail to the petitioner in case FIR No.191 dated 31.05.2021 registered under Sections 363, 366 of Indian Penal Code, 1860 and Sections 4, 17 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Kherki Daula, District Gurugram.

Version of the prosecution is that FIR has been registered on the statement of father of a 15 year school going girl (for short “the prosecutrix”) on the allegation that since the midnight of 30.05.2021, his daughter, who was sleeping in a room on the terrace, has been missing. Upon enquiry, he came to know that she has been enticed by Vinod and his friend Sanju and Akshay, were helping him.

Counsel for the petitioner has argued that petitioner is neither named in the FIR nor in the statement of the prosecutrix recorded under Section 164 Cr.P.C. It is her specific case that there is no allegation of sexual assault against the petitioner and the role ascribed to him is that when Vinod and prosecutrix were on the run, they stayed at his house as well as his field for one night. Counsel submits that as the star prosecution witness, has been examined and the petitioner, who is in custody since 14.07.2021, deserves to be enlarged on bail.

Opposing the petition, upon instructions from PSI Kamlesh, State counsel submits that there are serious allegations against the accused of enticing and sexually assaulting a minor and the petitioner is alleged to have harboured them. As per her instructions, 07 out of total 24 prosecution witnesses including the prosecutrix and her father, have been examined.

Having considered the arguments addressed by counsel for the parties, this Court is *prima facie* of the view that complicity of the petitioner in the crime would remain subject matter of debate before the Trial Court. Noticing the role ascribed to the petitioner and the fact that material prosecution witnesses have been examined, this Court is inclined to accept the prayer made in the petition as the trial is likely to take time to conclude.

In view of the above, but without adverting to the arguments addressed by the 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

December 16, 2022

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>