

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

Sr. No.206

CRM-M-37006-2022

Date of decision: 26.08.2022

Gourav @ Gora

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Johan Kumar, Advocate,
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

* * *

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.193 dated 05.05.2022 registered under Sections 363 and 366 IPC at Police Station City Tohana, District Fatehabad.

The petitioner, who is a 19 year old boy, is being prosecuted for having kidnapped a girl aged 16 years.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner has no other criminal antecedents; the petitioner is in custody since 10.05.2022; investigation in the case is complete and therefore, the petitioner is not in a position to influence the same; the alleged victim while appearing before the Magistrate under Section 164 Cr.P.C. has specifically stated that both the petitioner and the alleged victim had themselves gone to village Munakh and that during the time they were together the petitioner had done no wrong act with her as also that she wanted to go back and marry the petitioner.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has kidnapped a minor girl who is yet to be examined before the Trial Court.

The petitioner is a 19 year old boy; he has no other criminal antecedents; the petitioner is in custody since 10.05.2022; investigation in the case is complete and therefore, the petitioner is not in a position to influence the same and that the alleged victim while appearing before the Magistrate under Section 164 Cr.P.C. has specifically stated that she had gone with the petitioner on her own and that during the time she was with him he committed no wrong act with her.

Keeping in view the totality of the above facts, 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, Fatehabad, 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.

August 26, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No