

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

(Sr. No. 204)

CRM-M No.41539 of 2021

Date of decision : 06.04.2022

Sonu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Vishal Sharma Haritwal, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.85 dated 02.04.2021 registered under Sections 363 and 366-A IPC at Police Station Uklana, district Hisar.

The petitioner is being prosecuted for having abducted a 16 year old minor girl.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the alleged victim has made a statement under Section 164 Cr.P.C. to the effect that she had left her home on her own; there is no medical evidence to support the case of the prosecution; the alleged victim was not recovered from the petitioner's

house and that the petitioner is also ready and willing to join and cooperate with the investigation.

Learned State counsel opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner abducted a minor girl who was recovered after 5 days; the petitioner is a habitual offender as he is involved in other case being FIR No.122 dated 10.05.2021 registered under Sections 109, 116, 344, 370, 370-A, 376, 376(2)(f), 376(2)(n), 384, 506, 120-B IPC and Sections 3, 4, 5, 6 of the Immoral Traffic (Prevention) Act, 1956 at Police Station Uchana; in the aforesaid FIR the petitioner has been declared a proclaimed offender; in the present FIR the police has tried to join the petitioner in investigation but he is absconding and that the version given by the alleged victim in her statement under Section 164 Cr.P.C. is immaterial as she is a minor.

The petitioner is accused of having abducted a minor girl who was recovered after 5 days; in addition to the present case the petitioner faces another FIR registered under Sections 109, 116, 344, 370, 370-A, 376, 376(2)(f), 376(2)(n), 384, 506, 120-B IPC and Sections 3, 4, 5, 6 of the Immoral Traffic (Prevention) Act, 1956; in the other FIR the petitioner has been declared a proclaimed offender and because the victim is a minor, the circumstances under which she has given a clean chit to the petitioner in her statement made under Section 164 Cr.P.C. needs further investigation.

In the light of the above and because the car allegedly used in the crime the petitioner is accused of is still to be recovered, no ground is made out to grant the petitioner the concession of anticipatory bail.

Dismissed.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

06.04.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No