

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-50053-2021

Date of decision:11.01.2022

Aklesh @ Rahul

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Devinder Singh, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

Heard through video conferencing.

This is the first petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.471, dated 07.09.2021 registered for offence under Section 346 of IPC, 1860, which was deleted and Sections 363/366-A of IPC were added later on, however, Section 18 of Protection of Children from Sexual Offences Act, 2012, was deleted, at Police Station City Jind, Haryana, Annexure P-1.

FIR, Annexure P-1, has been registered on the complaint of the father of a 17 years old girl on the allegation that his daughter has gone missing.

Counsel for the petitioner submits that though the victim was recovered from the house of Aarti, sister of the petitioner, yet in her statement recorded under Section 164 Cr.P.C., the victim has categorically stated that she went with the accused/petitioner of her own volition and no crime has been committed with her. Still further, counsel argues that the victim has declined to get her internal Medico Legal Examination conducted. He submits that the petitioner, who is a young boy of 26 years of age, is suffering incarceration since 14.09.2021 and is no longer required for custodial interrogation as the investigation is complete and the charges have been framed.

Per contra, learned State counsel upon instructions from ASI Om Parkash, has opposed the petition and on the basis of the status report filed by way of an affidavit of Deputy Superintendent of Police, City Jind, submits that after conclusion of investigation, challan has been filed under Sections 363/366-A of IPC, 1860, and Section 18 of the Protection of Children from Sexual Offences Act, 2012, but charges have been framed under Sections 363/366 of IPC. As per her instructions, the prosecution evidence is yet to start. She submits that the accused/petitioner was arrested from the house of Aarti, when the victim was recovered.

I have heard counsel for the parties.

Keeping in view the above background, nature of the allegations against the petitioner and the status report filed by the State, this Court is *prima facie* of the view that the involvement of the petitioner in the crime would remain debatable. Therefore, this Court is of the opinion that the petitioner, who was in custody for the last more than 3 months would be entitled to be released on bail as the trial is likely to take time on account of restrictive functioning of the Court since the country is in the throes of third wave of Coronavirus pandemic.

Without delving into the merits or de-merits of the arguments addressed by the counsel for the parties, the petition is allowed. The 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.

11.01.2022

(SUVIR SEHGAL)

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JUDGE

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