

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

**CRM-M-50279-2021
Date of Decision: 15.02.2022**

Hassan Mohammad

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Saleem Ahmed, Advocate for the petitioner.
Mr. Vikas Bhardwaj, AAG Haryana.

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VIVEK PURI, J. (ORAL)

Custody certificate has been placed on record.

Petitioner has prayed for grant of regular bail in case bearing FIR No.685 dated 10.11.2019, under Section 346 IPC, later on added Sections 363, 366 IPC and deleted Section 346 IPC, registered at Police Station Palam Vihar, District Gurugram (Haryana).

Briefly, the case has been registered on the statement of the father of the victim alleging that on 06.11.2019 at about 7 p.m., his daughter i.e. the victim went missing from the house and accordingly, a case was registered under Section 346 IPC. Subsequently, the victim was recovered and the offence under Sections 363, 366 IPC were added and the offence under Section 346 IPC was deleted.

Learned counsel for the petitioner has contended that the petitioner is in custody for a period of five months and 22 days and he is not involved in any other case. The statement of the victim under Section 164 Cr.P.C. has been recorded wherein she has specifically stated that she had voluntarily left the house and accompanied the petitioner. It has also been specifically stated that the petitioner never developed any physical relation

with her. The investigation of the case is complete and the challan has been presented in the Court.

Learned State counsel, on instructions of ASI Ashok, has not disputed the aforesaid factual aspect of the case but has opposed the bail application on the score that the victim was aged about 17 and ½ years, there are serious allegations against the petitioner and the victim is yet to be examined during the trial.

It is significant to note that the victim has specifically stated in her statement under Section 164 Cr.P.C. that she had voluntarily left the house without any threat, pressure or inducement on the part of the petitioner. Furthermore, there is no allegation to the effect that the petitioner had sexually abused the victim. The investigation of the case is complete, challan has been presented and the conclusion of trial is likely to take some time. Custody certificate indicates that the petitioner has undergone incarceration for a period of 5 months and 22 days and he is not involved in any other case. As such, no fruitful purpose would be served by detaining the petitioner in custody.

Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

(VIVEK PURI)
JUDGE

15.02.2022

Janki

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No