

216 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-52415-2021

Date of decision: 4th February, 2022

Shakti

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Jai Bhagwan Sharma, Advocate for the petitioner.
Ms. Geeta Sharma, Deputy Advocate General, Haryana.

AVNEESH JHINGAN, J (Oral):

1. Due to COVID-19 situation, the Court is convened through video conference.
2. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 308, dated 24.10.2020, under Section 346 (deleted) and later on added Section 363, 366-A, 376, 506, 201 read with Section 34 of Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the Act'), (petitioner charged under Sections 363, 366, 506 read with Section 34 Indian Penal Code) registered at Police Station Safidon, District Jind (Haryana).
3. The brief facts of the case are that FIR was registered at the instance of Jasminder father of the prosecutrix (name withheld). It was alleged that in the intervening night on 23/24.10.2020, his daughter was missing from the bed. During the investigation, the prosecutrix was recovered from Panipat on 30.10.2020. The role attributed to the petitioner is that he facilitated the prosecutrix and Amit to go to Panipat. Charges

under Section 376, 201 of IPC and Section 4 of the Act were dropped against the petitioner. The victim in her statement under Section 164 Cr.P.C. stated that nothing wrong was committed with her.

4. Learned counsel for the petitioner submits that petitioner is in custody since 03.11.2020, it is a case of false implication and the petitioner was roped in the case, as he helped prosecutrix and Amit who were having love affair, for reaching Panipat.

5. Learned State counsel opposes the prayer for grant of bail and submits that petitioner has no clean antecedents and is involved in other FIRs. She further submits that motorcycle used for dropping the prosecution at Panipat is recovered.

6. Without commenting upon the merits of the case, taking into consideration that charges against the petitioner under Section 376, 201 of IPC and Section 4 of POCSO Act were dropped, no recovery is to be made, the custody period and that conclusion of the trial is likely to take time the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

4th February, 2022

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No