

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13175-2023

Date of decision : 24.5.2023

Ravi Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Naveen Thakur, Advocate
for the petitioner.

Mr. Rohit Arya, DAG Haryana.

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HARNARESH SINGH GILL, J.

Through this second petition, the petitioner seeks regular bail in case bearing FIR No. 48 dated 7.2.2021, registered at Police Station Taraori, District Karnal, under Section 346 IPC (but challan submitted under Sections 363, 366 A IPC), the first petition being dismissed as withdrawn on 21.11.2022.

Reply by way of an affidavit dated 22.4.2023 of Deputy Superintendent of Police, Karnal-II, on behalf of respondent-State, filed in the Registry, is taken on record.

Learned counsel for the petitioner states that the petitioner has been in custody since 9.9.2021. He has drawn the attention of this Court to the statement of the prosecutrix recorded in camera in which she has stated that she left her home of her own and went to Faridabad alongwith the petitioner and both had stayed there for eight months and

CRM-M-13175-2023

-2-

that it was on 9.9.2021 when the police had recovered the prosecutrix from the house of the petitioner. Learned counsel further states that even in the statement of victim recorded under Section 164 Cr.P.C., the same version i.e. the victim had of her own stayed for eight months with the petitioner without any complaint has been recorded. He further states that Rekha (mother of the victim) also stepped into witness box as PW1 on 19.5.2022 and stated that her daughter had refused to get her medically examined. It is further submitted that out of 13 witnesses, only four prosecution witnesses have been examined and that there is one case pending against the petitioner, in which he is on bail.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel states that the petitioner had kidnapped the victim and accordingly, FIR was registered against him; that the victim was recovered after nine months from the house of the petitioner; that the statement of victim under Section 164 Cr.P.C. has already been recorded and that the material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The victim while stepping into witness box had stated that she was not taken forcibly by petitioner to Faridabad where they had stayed together for 8 months. It was on 9.9.2021 when the police recovered her from the house of the petitioner. The same statement has been given by the victim recorded under Section 164 Cr.P.C. Even mother of victim also appeared before the trial Court on 19.5.2022 and had stated that her daughter (victim) refused to get her medically

CRM-M-13175-2023

-3-

examined.

The petitioner has been in custody since 9.2.2021. There was no allegation that the victim was taken forcibly by the petitioner to Faridabad where they both had stayed for 8 months. The prosecution witnesses are yet to be examined. As far as the other case is concerned, the petitioner is on bail. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

(HARNARESH SINGH GILL)
JUDGE

24.5.2023
sjks

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