

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

2023:PHHC:054952
CRM-M-17194-2023
Date of decision: 19.04.2023

Abdul Rehman @ Golu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Brijender Kaushik, Advocate
for the petitioner.

Mr. Rahul Mohan, D.A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is second petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.147 dated 31.10.2020, under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 363, 366-A, 506 & 376(2) of IPC, registered at Police Station Raipur Rani, District Panchkula, Haryana.

Learned counsel for the petitioner submits that subsequent to the withdrawal of the previous petition wherein similar relief had been sought for, by the petitioner, some more prosecution witnesses including the sole material witness i.e. prosecutrix stands examined. While drawing the attention of this Court to the FIR which is annexed as Annexure P-1, learned counsel for the petitioner *inter alia* contends that a perusal of the same leaves no manner of doubt that the prosecutrix and the petitioner had been in a relationship with each other and the former had not been enticed much less abducted by the petitioner, as the complainant had at the very outset raised a

suspicion qua the involvement of the petitioner in the missing of the prosecutrix. He further submits that after the prosecutrix was recovered, in her statement recorded under Section 164 Cr.P.C. (annexed as Annexure P-2), she had come up with a totally fabricated version that on account of threats extended to her by the petitioner and co-accused, she was forced to accompany the petitioner to Kundli and stay in a rented accommodation. Learned counsel submits that all this required to be appreciated in the light of the contents of the FIR wherein the complainant had also alleged that the prosecutrix after being enticed away by the petitioner had gone missing along with gold and silver jewellery as well as Rs.3 lacs. Learned counsel vehemently argued that it was thus evident that the prosecutrix had for reasons but obvious i.e. on account of the pressure exerted upon her by her family, had come up with an entirely twisted version not only while recording her statement under Section 164 Cr.P.C. but also while stepping into the witness box as PW-1. Learned counsel furthermore submits that since the sole material witness i.e. the prosecutrix, stands examined and as many as 10 prosecution witnesses still remain to be examined, further incarceration of the petitioner would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel opposite, has not been able to dispute that in the FIR which was registered soon after the prosecutrix went missing in the intervening night of 29/30.10.2020, from her house, the complainant had alleged that she had run away with Rs.3 lacs along with some gold and silver jewellery with the petitioner. However, learned State counsel submits that even assuming for the sake of arguments that the prosecutrix was a consenting party, her consent would be of no consequence as she was a

CRM-M-17194-2023

-3-

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner has been in custody since 07.11.2020 and the trial shall take considerable time to conclude. The sole material witness i.e. the prosecutrix stands examined. Hence, there is no likelihood of the petitioner tampering with any evidence much less trying to influence the witnesses to depose in his favour.

In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose, therefore, this Court deems it fit to extend the concession of bail to the petitioner

Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

19.04.2023

*ps-I***(MANJARI NEHRU KAUL)
JUDGE**

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