

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

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**CRM-M No. 17441 of 2023
Date of Decision : 27.4.2023**

*Siddhartha @ Rohit Kumar**..... Petitioner**versus**State of Haryana**..... Respondent*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Ranjeet K. Jaswal, Advocate, for the petitioner

Ms. Mahima Yashpal, DAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.01 dated 1.1.2023 under Sections 363 and 366-A, IPC (Section 366-A IPC deleted and Section 366 IPC added later on) registered at Police Station Shivaji Nagar, District Gurugram.

2. Briefly, the FIR was lodged on the statement of the victim's father that her daughter, aged about fourteen years, has been enticed away by the petitioner with intention to marry her.

3. Learned counsel for the petitioner contends that the petitioner has wrongly been implicated in the case on the basis of an apprehension expressed by the victim's father. Neither the victim named him in her statement recorded under Section 164 Cr.P.C. dated 4.2.2023 (Annexure P-2), nor was she recovered from him. In the statement it is clearly stated that she went to Ludhiana with a friend on her own. During the said period nothing wrong was done to her. She has also refused her medical examination, as apparent from the application for medical examination

dated 4.2.2023 (Annexure P-3). It is further contended that the victim was produced by her father from Ludhiana, as apparent from the custody memo dated 4.2.2023 (Annexure P-4), and the petitioner was arrested from Gurugram, as apparent from the arrest memo (Annexure P-5). Investigation of the case is complete and the petitioner is in custody since 5.2.2023.

4. Learned State counsel, on instructions from ASI Mahender, opposes the grant of bail on the ground that none of the witnesses has been examined so far and charges have been framed against the petitioner. At the same time, the facts submitted by learned counsel for the petitioner are not denied by her. It is, however, submitted that the petitioner had left Ludhiana and was arrested from Gurugram.

5. The submissions of learned counsel for the parties have been considered. The petitioner is a young boy of nineteen years, and has no criminal antecedents. He is not alleged to have committed any wrong act as per the victim's statement under Section 164 Cr.P.C. She has refused medical examination also. Investigation of the case is complete and nothing is to be recovered from him. Trial of the case will take some time to conclude as twelve prosecution witnesses are still to be examined. Therefore, no useful purpose will be served by confining him to custody any longer.

6. Accordingly, the petition is allowed. The petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

27.4.2023

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No