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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27513-2022

Date of Decision:- 09.01.2023

KULDEEP ALIAS DHILU

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr.Ravinder Malik, Advocate
for the petitioner.
Ms. Ambika Sood, Additional A.G, Haryana.

AMARJOT BHATTI, J. (Oral)

The petitioner – Kuldeep @ Dhilu has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.355 dated 29.08.2021 under Sections 363 & 366A IPC [Section 376 (2) (N) and Section 6 of POCSO Act added later-on] registered at Police Station Kalanaur, District Rohtak.

As per the facts of the case, the complainant Baldev - father of the victim gave his statement to the police that his daughter i.e. the victim who was studying in 12th class was taken away by Kuldeep the present petitioner on his motorcycle. At the time of said occurrence his daughter was 17 years 8 months old. With these allegations the present FIR was registered.

Counsel for the petitioner argued that he is falsely implicated in this case. He referred to the statement of the victim recorded under Section

164 Cr.P.C. where she claimed that she had left her house with her sweet

will and thereafter returned back home on her own when the present FIR was registered. It is argued that the petitioner is in custody since 03.09.2021. The trial of this case is likely to take long time. He cannot be kept behind the bars for indefinite time period. Therefore, his regular bail application may be allowed.

On the other hand, learned counsel representing the State argued that the case is fixed for prosecution evidence. The statement of the victim is yet to be recorded and the next date before the trial court is 30.01.2023. It is pointed out that the victim was a minor, therefore, her consent does not carry any weight. It was prayed that the regular bail application filed by the present petitioner may be dismissed.

I have considered the arguments advanced before me. I have gone through the record carefully. As per the report submitted by learned State counsel the charge in this case has been framed and the present petitioner has been charge-sheeted on 06.12.2021 since then the case is fixed for prosecution evidence. It is also reported that till date no witness has been examined. Learned counsel for the petitioner has placed one agreement of live-in relationship deed, Annexure P-1 in which her date of birth is mentioned as 08.10.2002. I have also gone through the statement of victim recorded under 164 Cr.P.C. in which she has mentioned her age as 17 years 8 months. I have also gone through the contents of said statement confirming her stay with the present petitioner. Till date the statement of victim has not been recorded by the trial Court and the case is fixed for 30.01.2023. The statement of victim is material piece of evidence. In case the present petitioner is released on bail at this stage, the possibility of influencing the victim cannot be ruled out.

Considering the gravity of offence, at this stage, I do not find appropriate to grant bail to the present petitioner and his application is, accordingly, declined.

The petition is, accordingly, disposed of.

09.01.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No