

2023:PHHC:085642

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

CRM-M-31259-2023

Date of Decision: 07.07.2023

SAURABH ALIAS CHHOTA

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Amit Parashar, Advocate
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 23 dated 23.01.2023 under Sections 363 and 366-A IPC registered at Police Station Adarsh Nagar, District Faridabad.

2. Custody certificate has been placed on record.

3. Briefly, the FIR has been registered on the allegations that the victim, who is aged about 16 years, went missing from the house on 18.01.2023 and it was suspected the petitioner has kidnapped her.

4. Learned counsel for the petitioner contends that the date of birth of the victim has been recorded as 01.01.2003 in the Aadhar Card, Annexure P-2. The victim has been recovered on 16.03.2023 and in her statement under Section 164 Cr.P.C., she has categorically and specifically stated that she voluntarily accompanied the petitioner and has solemnized marriage with him. The investigation of the case is complete and challan has been presented in the Court.

5. Learned State counsel has opposed the bail application on the score that the date of birth of the victim has been recorded as 10.03.2006 in

the school record and was less than 18 years of age at the time of occurrence.

6. It is significant to note that the controversy with regard to the age of the victim will be a debatable and moot point during the trial. The statement of the victim under Section 164 Cr.P.C. has been recorded, wherein, she has not levelled any allegation to the effect that the petitioner had exercised any threat, pressure, influence or allured her in any manner to accompany him. As per her statement, the victim had voluntarily accompanied the petitioner. The petitioner is in custody for a period of 03 months and 21 days and not involved in any other case. The investigation of the case is complete and challan has been presented in the Court. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

7. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

07.07.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No