

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

CRM-M-31229-2023

Date of Decision: 25.08.2023

Sumit Khan

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Sanchit Punia, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 1469 dated 16.12.2022 registered under Sections 346 IPC (Sections 420, 467, 468 and 471 IPC were added later on) at Police Station Sadar Hisar, District Hisar.

Briefly stated the facts of the case are that the aforesaid FIR was registered on the basis of complaint made by the father of victim who was 18½ years old at the time of alleged incident. As per the complainant, his daughter/victim had gone missing on 15.12.2022 and he had suspicion on the petitioner that he had enticed away his daughter.

Learned counsel for the petitioner, *inter alia*, submits that the date of incident is 15.12.2022, and the FIR was registered on 16.12.2022, on the basis of statement of father of the victim. Though, the petitioner was named in the FIR, however, the victim in her statement

under Section 164 Cr.P.C. dated 17.12.2022 (Annexure P-2), had categorically stated that she had left her house on her own will and had gone to Nagaur with the petitioner, as she wanted to marry him. She had further stated that she was scared of her family members and wanted protection of her life and liberty from them. It is submitted that the petitioner has been in custody since 28.12.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner may be released on regular bail.

Learned counsel further submits that as per last order 10.08.2023, passed by this Court, the learned trial Court was directed to record the statement of the victim.

Perusal of the report dated 16.08.2023 of the learned Additional Chief Judicial Magistrate, Hisar, reveals that the victim in her statement dated 16.08.2023 has categorically stated that she does not want any action taken against the petitioner with whom she does not have any concern. It is also submitted that the victim is now married to someone else on her own free will and does not apprehend any danger from her parents, nor does she require any protection from them.

Per Contra, learned counsel for the State has filed custody certificate dated 24.08.2023, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 07 months and 26 days. He further submits that the complainant/father, and mother of the victim have fully supported the prosecution case while appearing in the witness-box before the trial Court; whereas, the victim has not

supported the prosecution case. It is submitted that out of total 16 prosecution witnesses, 03 witnesses have been examined by the trial Court.

Having heard learned counsel for the parties, but without commenting on merits of the case, keeping in view the totality of the facts and circumstances of the case, as well as the fact that conclusion of trial will take some time, the present petition is **allowed**.

The petitioner-Sumit Khan, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

25.08.2023
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(NIDHI GUPTA)
JUDGE

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