

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**220****CRM-M No.31746 of 2023****Date of Decision : 07.08.2023**

Vikram

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ankur Lal, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.387 dated 04.12.2022 under Sections 363 and 366-A of the Indian Penal Code, 1860 (Sections 344, 376(2)(N), 120-B, 506, 483 and 457 IPC; Sections 6 and 17 of the Protection of Children from Sexual Offences Act, 2012; and Sections 25 and 29-54-59 of the Arms Act, 1959 were added later on) registered at Police Station Bawal, District Rewari.

2. Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the present case. It has further been contended that the FIR was lodged by the complainant wherein it was stated that his daughter, aged 12 years, was missing and that at about 05.00 am his elder daughter told him that his younger daughter was not at home. A wooden ladder was lying on the ground and he suspected that somebody unknown had taken his daughter and raised the suspicion that two friends of his daughter had the knowledge of complete facts, which they were not divulging. Thereafter, the victim was recovered and her statement under

Section 164 CrPC was recorded wherein allegations have been made against the main accused, namely, Sahil. It has been stated that the victim was taken by Sahil to a place where he was residing and there he forcibly committed a bad act upon her. Learned counsel for the petitioner has further contended that the petitioner is neither named in the FIR nor in the statement of the victim recorded under Section 164 CrPC.

3. Learned State counsel on instructions from SI Rakesh Kumar is not in a position to deny the fact that the petitioner is neither named in the FIR nor in the statement of the victim recorded under Section 164 CrPC. It is, however, the contention of learned State counsel that the petitioner was named by co-accused, Sahil, in his disclosure statement wherein he stated that apartment was taken on rent by him with the help of the petitioner.

4. Custody certificate filed by learned State counsel is taken on record as per which the petitioner has been in custody for a period of 07 months and 10 days.

5. I have heard learned counsel for the parties.

6. In the present case the petitioner has neither been named in the FIR nor in the statement of the victim recorded under Section 164 CrPC. The only allegation against the petitioner is that the main accused, namely, Sahil, in his disclosure statement had stated that the apartment, where he was staying, was taken on rent by him with the help of the petitioner. There is no overt act which has been attributed to the petitioner herein. The petitioner has been in custody for a period of 07 months and 10 days. No useful purpose would be served by keeping the petitioner behind bars.

7. In view of the above and without commenting upon the merits of the case, I deem it to be a fit case to grant the concession of regular bail to

the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

8. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

9. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

10. Disposed off. Pending applications, if any, also stand disposed off.

07.08.2023
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO