

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

**CRM-M No.34850 of 2020 (O&M)
Date of Decision: 16.05.2023**

Lakhan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- None for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Second petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.738 dated 29.10.2019, under Sections 363, 366A of the Indian Penal Code, 1860 (Section 376, IPC & Section 6 of the Protection of Children from Sexual Offences Act, 2012 added later on), registered at Police Station Assandh, District Karnal.

2. Manjeet Kaur made a complaint dated 29.10.2019 to police with the allegations that on 10.10.2019, her minor daughter went somewhere without informing her and she has not returned till date. The complainant believed that some unknown person has enticed away her daughter with an intention to marry. On 04.11.2019, the police reached at Bhuna, District

Fatehabad and girl was recovered from the custody of Lakhan @ Sonu (petitioner).

3. This Court, on 28.01.2021, granted interim bail to petitioner in the following manner:-

“Contends that prosecutrix married with the petitioner with her free consent and she even declined for undergoing medical examination. Also contends that petitioner is in custody since 29.10.2019 and there is no progress in the trial.

Learned State counsel wishes to verify the above factual position.

Posted on 20.04.2021.

Till the next date of hearing, let petitioner be released on interim bail, in this case, subject to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.”

4. Learned State Counsel, on instructions from Inspector Baljeet, SHO, Police Station Assandh, District Karnal, has apprised the Court that during trial, complainant as well as victim, both have turned hostile.

5. In view of the above, there is no justification to keep the matter pending any more.

6. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 28.01.2021, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

8. The above observations may not be construed as an expression of opinion on the merits of the case.

9. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

May 16th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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