

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**218****CRM-M No.38687 of 2023****Date of Decision : 06.09.2023**

Siddharth

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Parveen Kaushik, 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.95 dated 08.04.2023 under Sections 363 and 366-A of the Indian Penal Code, 1860 and Section 17 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Ateli, District Mahendergarh.

2. Learned counsel for the petitioner would contend that the petitioner has known the victim for the past about 03 years and that the victim herself in her statement recorded under Section 164 CrPC has stated that she has known the petitioner for the last 03 years and that she used to talk to him over the phone. She has further stated that on 08.04.2023 she went to Jodhpur without informing anybody. She has also stated that no wrong act was committed with her. Learned counsel for the petitioner has further stated that the petitioner is a young boy of 20 years and has already been in custody for a period of 04 months and 24 days.

3. Custody certificate filed by learned State counsel is taken on record as per which the petitioner has been in custody for a period of 04 months and 24 days. Challan stands presented in the present case. The learned counsel for the State is not in a position to deny that the victim in the present case has given a categorical statement under Section 164 CrPC that she had voluntarily gone with the petitioner and that no wrong act was committed with her.

4. I have heard learned counsel for the parties.

5. In the present case the victim in her statement recorded under Section 164 CrPC has stated that she has known the petitioner for the last 03 years and that on 08.04.2023 she had voluntarily gone with the petitioner to Jodhpur without informing anybody. She has also stated that no wrong act was committed with her by the petitioner. The petitioner in the present case is a young boy of 20 years and has been in custody for a period of 04 months and 24 days.

6. In view of the above and without commenting upon the merits of the case and keeping in view the fact that the conclusion of trial is likely to take some time and no useful purpose would be served by keeping the petitioner behind bars, 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 and surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. 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.

8. 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.

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

(ALKA SARIN)
JUDGE

06.09.2023

jk

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