

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41273-2023 (O&M)

Date of decision : 25.08.2023

Jaildar @ Jaila

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Kusum Raj, 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.300 dated 10.10.2022 under Sections 363, 366-A, 120-B of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Munak, District Karnal.

2. Learned counsel for the petitioner would contend that a complaint was lodged by the complainant (father of the victim) that his daughter aged 17 years had gone to attend College and thereafter did not return home and that an amount of Rs.4,00,000/- was also missing from his house. On the basis of the said complaint, the FIR was lodged under Section

346 of IPC. On the basis of the supplementary statement of the complainant it was recorded that the daughter of the complainant had been enticed and taken away by Santosh Parihar and the co-accused, Robin. Even in the statement of the victim recorded under Section 164 CrPC, the name of the petitioner does not figure. It is further the contention of learned counsel that the victim was in relationship with the co-accused Robin and had gone with him on her own free-will and that she has also solemnized her marriage with the co-accused Robin and both are living together as husband and wife. Learned counsel would further contend that the victim in her statement under Section 164 CrPC has stated about her relationship with the co-accused Robin and how her family members had refused to accept the relationship. It is further the contention that the petitioner has been in custody for a period of 05 months and 02 days.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 05 and 02 days. Learned State counsel on instructions from ASI Rajneesh Kumar has stated that there are serious allegations against the petitioner in the present case and that the victim in her statement recorded under Section 161 CrPC had named the petitioner. It is further the contention of learned State counsel that the victim is a minor. Learned State counsel has further pointed out that the co-accused Robin, Santosh Parihar and the petitioner herein are friends and that they conspired to kidnap the victim.

4. Heard.

5. In the present case the petitioner is not named in the FIR nor in the supplementary statement of the complainant nor has the petitioner been named by the victim in her statement recorded under Section 164 CrPC. The petitioner has been in custody for a period of 05 months and 02 days. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems 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.

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.

25.08.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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