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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42399-2022

Date of Decision:- 01.03.2023

VISHNU

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Jasminder Singh Thind, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, Asst. A.G. Haryana.

AMARJOT BHATTI, J. (Oral)

The petitioner – Vishnu has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 336 dated 07.09.2021, under Sections 354-A, 363, 366-A, 452, 506 of IPC and Section 8 of POCSO Act, registered at Police Station Ellenabad, District Sirsa.

The facts of the case are that Pratap Singh, complainant gave his statement to the police that his daughter i.e. the victim was born on 08.06.2008. On 06.09.2021, the victim was sleeping in the house and when the complainant woke up at 05:00 A.M. he saw that the victim was missing from the house. He tried to search his daughter but could not locate her. He suspected Vishnu for taking away his daughter as one year ago, he had enticed his daughter but the matter was compromised with the intervention

of Panchayat. With these allegations, present FIR has been registered. The petitioner was arrested on 09.09.2021 and the victim was also recovered from Ganga Nagar Railway Station. Her statement was recorded before the Magistrate and she was medically examined. After investigation, challan is already presented and the case is fixed for prosecution evidence.

Learned counsel for the petitioner argued that he is falsely involved in this case. He is in custody since 09.09.2021. Trial of this case may take some time. The statements of material witnesses have been recorded. The facts of the case clearly indicate that the victim had left the house on her own. He will abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

The bail application is opposed by learned counsel representing the State on the ground that the victim is a minor. The evidence of the prosecution is under progress. Therefore, considering the gravity of offence, the regular bail application filed by the petitioner may be dismissed.

I have considered the arguments and have gone through the record carefully. As referred above, after completion of investigation, challan is already presented in the Court on 17.11.2021. The charge-sheet is already framed and two of the prosecution witnesses have been examined i.e. the prosecutrix as PW-1 and Dr. Paramjit as PW-2. Along with the status report, the statement of the victim recorded under Section 164 Cr.P.C. is placed on record. The statement of victim recorded as PW-1 is Annexure R-5. The accused was arrested on 09.09.2021 and till date he is behind the bars. Trial of this case may take some time. As the statement of victim has been recorded, therefore, there is no question of influencing the material witnesses. Therefore, without expressing my mind on the

merits of the case, the regular bail application filed by petitioner – Vishnu is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

The petition is, accordingly, accepted.

01.03.2023
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No