

2023:PHHC:150331

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-46791-2023
Date of Decision: 24.11.2023

KULWANT

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Amrik Singh Narwal, DAG Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed under Section 439 CrPC is for grant of regular bail to the petitioner in FIR No.51 dated 15.06.2016 registered under Sections 363, 366-A IPC and Section 6 of the POCSO Act at Women Police Station, Fatehabad.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner is in custody since 15.04.2023 and the conclusion of the trial as well as his defence would take time. He is ready to furnish heavy surety.

3. Reply by way of affidavit of Jaipal Singh, HPS, Deputy Superintendent of Police, HQ, Fatehabad, District Fatehabad has been filed on behalf of respondent-State, which is taken on record, subject to just exceptions.

4. The paper book transpires that the petitioner is facing trial in an FIR, which was registered at the instance of the father of the victim with the allegations that victim, who was minor was missing and she was allured by the petitioner to go along with him. After the registration of the FIR regarding

missing of the victim, on 20.06.2020, the prosecutrix was recovered from the custody of the present petitioner and thereafter the statement of the victim was recorded under Section 164 Cr.P.C.

5. The petitioner was though granted the concession of regular bail by the trial Court as per the order dated 02.03.2017, but thereafter he immediately got absent on 22.05.2017 (Annexure P-3). The petitioner was declared proclaimed offender on 20.09.2017 (Annexure P-4) and he was arrested by the police after about 6 years on 15.04.2023.

6. Learned State counsel has informed that out of 16 prosecution witnesses, 14 witnesses have been examined so far by the trial Court.

7. Keeping in view the above circumstances, no ground is made out for releasing the petitioner on bail since he has misused the concession of regular bail already granted to him and trial has almost concluded.

8. Petition stands dismissed.

(HARPREET KAUR JEEWAN)
JUDGE

24.11.2023

P.Bhatt

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