

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**224****CRM-M No.47632 of 2023****Date of Decision : 30.10.2023**

Gulshan @ Gullu

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.S. Khurana, 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.94 dated 12.05.2023 under Sections 363, 366 and 120-B of the Indian Penal Code, 1860 and Sections 8 and 17 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Sadar Rewari, District Rewari.

2. Learned counsel for the petitioner would contend that the allegation against the petitioner in the FIR is that he had assisted the main accused when he allured the daughter of the complainant. Learned counsel for the petitioner would further contend that now the victim has been recovered and in her statement recorded under Section 164 CrPC she has merely stated that she had gone away on her own accord. Further, she has refused to get her medical done. Even in the statement of the victim recorded under Section 164 CrPC there is no reference to the present petitioner. It is

further the contention that the petitioner has been in custody since 15.05.2023.

3. Learned State counsel has filed the status report by way of affidavit of Sh. Pawan Kumar, HPS, Deputy Superintendent of Police, Rewari which is taken on record. Registry to scan the same and tag at the appropriate place. Learned State counsel on instructions from ASI Om Parkash has stated that the victim has now been recovered and her statement under Section 164 CrPC stands recorded. It has further been submitted that the victim has refused to undergo the medical examination. In her statement recorded under Section 164 CrPC the petitioner has not been named and that the victim has further stated that she had left the house on her own accord.

4. I have heard learned counsel for the parties.

5. In the present case the petitioner has been in custody since 15.05.2023. The only allegation in the FIR against the petitioner is that he had assisted the main accused in alluring away the daughter of the complainant. The victim has since been recovered and in her statement recorded under Section 164 CrPC she has stated that she had left the house on her own accord. The petitioner has not been named in the said statement and no role has been attributed to him. Further, the victim has also refused to get herself medically examined.

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

(ALKA SARIN)
JUDGE

30.10.2023
jk

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