

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**230****CRM-M No.50856 of 2023****Date of Decision : 04.12.2023**

Ibrahim

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ajay Singh, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG 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.1937 dated 14.08.2023 under Sections 363 and 366-A of the Indian Penal Code, 1860 registered at Police Station Shivaji Nagar, District Gurugram.

2. The FIR in the present case was registered on the complaint of the father of the victim that on 12.08.2023 at about 01.30 am his daughter, who was 17 years of age, went outside the house without informing anyone and that they had been searching for her since morning. However, at about 6.00 in the morning they received a WhatsApp call from a number and they were informed that she would come once she was done with the marriage ceremony. On the said basis the FIR was registered. The petitioner was arrested on 17.08.2023 and the statement of the prosecutrix was recorded under Section 164 CrPC wherein she did not level any allegation of anything

wrong having been committed with her. It was further stated that she had willingly gone with the petitioner.

3. Learned counsel for the petitioner would contend that the petitioner has been in custody for a period of 03 months and 14 days and that there is no other case pending against him.

4. Learned State counsel on instructions from ASI Mukesh Kumar has stated that the victim in her statement recorded under Section 164 CrPC has stated that she had gone on her own accord with the petitioner and has not stated that anything wrong was committed with her by the petitioner. Learned State counsel has further stated that the victim had refused to get her medical conducted. Learned State counsel has filed the custody certificate as per which the petitioner has been in custody for a period of 03 months and 14 days and there is no other case pending against him.

5. I have heard learned counsel for the parties.

6. In the present case the FIR was registered on the statement of the father of the victim. The victim in her statement recorded under Section 164 CrPC has not stated of any untoward incident having taken place with her. Infact, she has stated that she had gone voluntarily. She has also refused to get her medical done. The petitioner has been in custody for a period of 03 months and 14 days and there is no other case pending against him.

7. 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.

8. 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.

9. 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.

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

04.12.2023

jk

(ALKA SARIN)
JUDGE

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