

228

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51348-2023 (O&M)
Date of decision : 11.12.2023

Balvinder @ Babu ... Petitioner(s)
Versus
State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.S. Siao, Advocate for the petitioner.
Ms. Mahima Yashpal, DAG Haryana.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.102 dated 11.07.2023 under Sections 363, 366 of the Indian Penal Code, 1860, registered at Police Station Bapoli, District Panipat.
2. The FIR was registered on the statement of the father of the victim who has stated that his daughter aged 16 years was abducted by the petitioner on 09.07.2023 with the intention to marry her and that despite searching for her she could not be recovered. The present FIR was registered on 11.07.2023. The victim was recovered on 15.07.2023.
3. Learned counsel for the petitioner would contend that the victim in her statement recorded under Section 164 CrPC has stated that she had gone on her own freewill and she had not been enticed by anyone and

there was no pressure upon her and that no wrong was committed upon her. Learned counsel would further contend that the victim had also refused to get her medical examination conducted. It is further the contention of the learned counsel for the petitioner that the petitioner has been in custody for a period of 04 months and 27 days and that he has absolutely clean antecedents.

4. 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 04 months and 27 days and that there is no other case pending against him. Learned counsel for the State on instructions from ASI Kishan Lal has stated that the victim in her statement recorded under Section 164 CrPC has stated that no wrong was committed with her and that she had gone on her own accord. Learned State counsel would further contend that the victim had refused to get her medical examination conducted.

5. Heard.

6. In the present case the FIR was registered on the statement of the father of the victim who has stated that his daughter was abducted by the petitioner on 09.07.2023 with the intention to marry her. The victim was recovered on 15.07.2023. The victim in her statement recorded under Section 164 CrPC has stated that no wrong was committed with her and she had gone on her own accord. The victim had also refused to get her medical examination conducted. As per the custody certificate the petitioner has been in custody for a period of 04 months and 27 days and there is no other case

pending against him. 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.

7. 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.

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.

11.12.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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