

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-56240-2022

Date of decision:13.03.2023

KARAN KUMAR

.....Petitioner

VS

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present :- Mr.Ankur Bali, Advocate and
Mr.Sumeet Jain, Advocate for the petitioner

Mr.Arun Gupta, AAG Punjab

ALOK JAIN, J. :

The instant petition has been filed seeking grant of regular bail to the petitioner in case FIR No.23 dated 25.02.2021 under Sections 363 and 366 IPC (Section 376(2)(n) IPC and Section 6 of POCSO Act, 2012 added later on), registered at Police Station Nayagaon, District SAS Nagar, Mohali.

Learned counsel for the petitioner submits that the charges in the present case were framed on 17.02.2022 and despite more than 15 adjournments, the victim is not appearing before the trial Court to get her statement recorded. He further submits that in fact, the father of the girl appeared on 06.03.2023 and recorded his statement and as per the order dated 06.03.2023, a specific query had been put to the father of the victim about the whereabouts of his daughter i.e.prosecutrix, to which he specifically stated that he has no knowledge about the whereabouts of her daughter and in fact, he went to lodge a complaint qua her missing but the police refused to lodge the same and therefore, he could not produce her daughter. He further submits that the petitioner is in custody since 21.03.2021.

Learned State counsel does not dispute the aforesaid factual aspect of the matter.

After hearing learned counsel for the parties and the fact that the petitioner is in custody since 21.03.2021, also taking into account the act and conduct of the petitioner and the trial is likely to take some time, no useful purpose would be served by keeping the petitioner in custody.

In view of the above, without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

(ALOK JAIN)
JUDGE

13.03.2023

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No.