

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53492-2023 (O&M)

Date of decision : 06.12.2023

Santosh Parihar

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Kusum Raj, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG 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.300 dated 10.10.2022 under Sections 363, 366-A, 120-B of the Indian Penal Code, 1860 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Munak, District Karnal (Annexure P-1).

2. Learned counsel for the petitioner would contend that a complaint was lodged by the complainant (father of the victim) that his daughter aged 17 years had gone to attend College and thereafter did not return home and that an amount of Rs.4,00,000/- was also missing from his house. On the basis of the said complaint, the FIR was lodged under Section 346 of IPC. On the basis of the statement of the complainant during the course of investigation it was recorded that the victim had been enticed away

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by Santosh Parihar (the present petitioner) and the co-accused, Robin. Learned counsel for the petitioner would further contend that the petitioner was not named in the FIR and that subsequently during investigation it was stated that the relatives of the victim had a suspicion that the present petitioner and the co-accused had taken away the daughter. Learned counsel would further submit that neither the petitioner was named in the FIR nor any role has been attributed to the petitioner except for a suspicion expressed by the family during the course of investigation. Learned counsel would further contend that even the victim in her statement recorded under Section 164 CrPC has not named the present petitioner. Learned counsel submitted that similarly situated co-accused, namely, Jaildar @ Jila has since been granted the concession of regular bail by this Court vide order dated 25.08.2023 passed in CRM-M-41273-2023. It is further the contention of learned counsel for the petitioner that the petitioner has been in custody since 22.03.2023.

3. 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 08 months and 14 days. Learned State counsel has also filed the status report by way of affidavit of Suresh Kumar, HPS, Deputy Superintendent of Police (HQ), Karnal which is taken on record. Registry to scan the same and tag at the appropriate place. Learned counsel for the State is not in a position to deny the fact that the petitioner was neither named in

the FIR nor by the victim in her statement recorded under Section 164 CrPC. Learned State counsel is also not in a position to deny that similarly situated co-accused, namely, Jaildar @ Jila has since been granted the concession of regular bail by this Court vide order dated 25.08.2023 passed in CRM-M-41273-2023.

4. Heard.

5. In the present case the petitioner was neither named in the FIR nor in the statement of the victim recorded under Section 164 CrPC. Similarly situated co-accused, namely, Jaildar @ Jila has since been granted the concession of regular bail by this Court vide order dated 25.08.2023 passed in CRM-M-41273-2023. As per the custody certificate, the petitioner has been in custody for a period of 08 months and 14 days. 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.

6. 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.

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.

06.12.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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