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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56280-2022

Date of Decision:- 03.02.2023

ASLAM ANSARI

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Durgesh Singh, Advocate
and Mr. Saurabh Upadhyay, Advocate
for the petitioner.

Ms. Ambika Sood, Additional A.G. Haryana.

AMARJOT BHATTI, J. (Oral)

The petitioner – Aslam Ansari has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 0155 dated 25.06.2021 under Section 6 of POCSO Act and under Sections 363 and 366-A of IPC, registered at Police Station Bhondsi, District Gurugram.

The facts of the case are that Pardeep Singh, complainant got his statement recorded to the police that on 24.06.2021, the victim left the house at 06:00 A.M. without informing. Her date of birth is 11.12.2006 and her mobile number is 7250942072. They tried to search her but could not find her. Now, they have come to know that her friend Aslam has enticed her and taken away the victim. The mobile phone numbers of Aslam were also disclosed. On the basis of this information, present FIR was registered.

Learned counsel for the petitioner argued that Aslam was arrested on 24.09.2021. The allegations against him are false and frivolous. The prosecution has already examined the victim, her mother and maternal uncle/*mausa* and they have not supported the prosecution version. Their statements are produced on record as Annexures P-2, P-2A and P-2B. It is further clarified that the statement of the victim was recorded under Section 164 Cr.P.C. under police pressure. She herself claimed that she had developed physical relations with some other person. The present petitioner is behind the bars since long. He will abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

Learned counsel representing the State has filed detailed status report. It is alleged that in this case, challan was presented on 21.12.2021 and the charge-sheet was framed on 03.03.2022. Till date, nine prosecution witnesses have examined. It is pointed out that the victim is a minor who had become pregnant. The allegations were specifically levelled against the present petitioner. Considering the gravity of offence, the regular bail application filed by him may be dismissed.

I have considered the arguments and have gone through the record carefully. It is a matter of record that Aslam is facing trial in this case. Till date, prosecution has examined as many as nine witnesses, out of which, the victim was examined as PW-2, her mother as PW-3 and her uncle as PW-4, who did not support the prosecution case and the copies of their statements are produced on file as Annexure P-2, P-2A and P-2B. Rest of the prosecution evidence is yet to be recorded. The case will be decided on merits after recording entire prosecution evidence. He was arrested in this case on 24.09.2021. Therefore, without expressing my mind on the merits of the case and considering the aforesaid facts, the

regular bail application filed by the petitioner – Aslam Ansari is allowed.

He is ordered to be released on bail to the satisfaction of trial Court/Duty

Judge concerned.

The petition is, accordingly, accepted.

03.02.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No