

292

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

CRM-M-56296-2022

Date of Decision:- 07.02.2023

AJAY ALIAS AJE

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Ram Pal Verma, Advocate for the petitioner.
Ms. Ambika Sood, Additional A.G, Haryana.

AMARJOT BHATTI, J. (Oral)

The petitioner – Ajay @ Aje has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.184 dated 31.03.2022 under Sections 363, 366, 366A of IPC and Section 84 of J.J. Act, 2015 (later-on Section 6 of POCSO Act and Sections 363, 366, 376 (2) (n) IPC and 84 of J.J.Act were added) registered at Police Station Ganaur, District Sonapat.

The facts of the case are that the complainant – Survin gave his statement to the police that his sister-in-law i.e. the victim had come to stay with his family at Ganaur for the last about 1 month. On 30.03.2022 when they went to sleep after taking meal and woke up in the morning. He

noticed that the victim was not available in the house. He stated that she has been taken away by Ajay @ Aje with the intention to marry her. With these allegations the present FIR was registered. The accused was arrested on 08.04.2022. The victim was also recovered and her statement was also recorded under Section 164 Cr.P.C. After completion of investigation, the challan was presented in the Court and it is fixed for prosecution evidence.

Learned counsel for the petitioner argued that he is falsely implicated in this case. In fact, the family of alleged victim wanted to perform her marriage with some other person for which she was unhappy. He has not committed any offence. Learned counsel for the petitioner referred to the statement of the victim recorded u/s 164 Cr.P.C., Annexure P-1 where she has not levelled any allegations against the present petitioner. He has also referred to the statement of the victim recorded as PW1, Annexure P-2, statement of the complainant recorded as PW2, Annexure P-3 where they did not support the prosecution cases. It is argued that the petitioner will abide by the terms of the bail order. Therefore, his regular bail application may be allowed.

The bail application is opposed by learned counsel representing the State. It is argued that the petitioner was specifically named by the complainant. The allegations are specific and serious in nature. The victim is a minor, therefore, considering the gravity of the offence, the petitioner is not entitled to be released on bail.

I have considered the arguments and have gone through the record. In this case the challan is already presented and after framing of charge-sheet the evidence of the prosecution witnesses is under progress. I have gone through the statement of victim recorded as PW1, Annexure P-2, statement of the complainant recorded as PW-2, Annexure P-3 in which

they did not support the prosecution case and were declared hostile. I have also gone through the statement of the victim recorded u/s 164 Cr.P.C. Annexure P-1, she had claimed that she had gone along with Ajay @ Aje with her free consent and without any pressure. She also claimed that her sister and brother-in-law wanted to perform her marriage with somebody else. I have considered the aforesaid facts. The petitioner is in custody and the conclusion of the trial may take long time. Considering the aforesaid facts the petitioner cannot be kept behind the bars for indefinite period.

Therefore, without expressing my mind on the merits of the case, the regular bail application filed by the petitioner Ajay @ Aje is allowed and he is ordered to be released on bail to the satisfaction of trial Court/Duty Judge.

The petition stands disposed of.

07.02.2023

snd

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No