

2024:PHHC:004137

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

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CRM-M-599-2024

Date of decision: 12.01.2024

Pardeep @ Dinu

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Sushil Sheoran, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J.

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.255 dated 29.04.2023 registered for the offences punishable under Sections 363/366-A/376(2)(n) at Police Station Bhiwani Sadar District Bhiwani.

2. The case set up in the FIR in question is as follows:-

“To SHO PS Sadar Bhiwani. Subject:- Application regarding taking away the minor girl by enticing. Sir, it is requested that I Jannat wife of Sh. Anil Kumar is resident of village Kitlana. I have three children i.e. two girl and one son. My daughter Sareena is having date of birth of 30.12.2006 and she is 16 years old. On 28.4.2023 when I saw in the morning, my daughter Sarina was not at home. We searched her in the neighbourhood, then we came to know that Pardeep S/o Sh. Bhagmal R/o Dinod enticed my daughter Sareena

and took her with him. Legal action may be taken against the accused and my daughter Sareena may be got recovered as soon as possible. Sd/- Jannat; Jannat wife of Sh. Anil Kumar R/o village Kitlana; Mobile no.9813861361-9991371361. On finding an offence U/s 363,366-A IPC as per the contents in the application, case no.255 dated 29.4.2023 U/s 363/366-A IPC was registered in police station Sadar Bhiwani and copy of missal police alongwith original writing after recording kaimi note for investigation LASI Neelam 366 alongwith lady constable Sonu 837 and complainant proceed for Illaqa police station. Special report of the case will be sent to the higher officials through post. Note:- Due to non-availability of ID of lady ASI Neelam 366 in the CCTNS, the ID of SI Ranbir 242 is being used for investigation. Note:- This case was registered in presence of SI Ranbir 242 / H.”

3. Learned counsel for the petitioner submits that after investigation of the case, challan was presented & the trial is underway wherein 11 witnesses out of 24 cited by the prosecution stand examined. The material witnesses have also been examined & there is no complaint against the petitioner of having tried to influence the prosecution evidence. It is further submitted that it is a case of elopement on account of an affair between the petitioner and the prosecutrix. It is accordingly prayed that the petitioner be granted the concession of regular bail.

4. Counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner is in custody since 13.05.2023 & challan was presented on 07.08.2023 wherein total 24 prosecution witnesses were cited. It is the conceded case that 11 prosecution witnesses, out of above-stated 24 PWs, already stand examined. The testimonies of the prosecutrix; the complainant-Jannat (mother of the prosecutrix) as also the father of the prosecutrix stand recorded. The argument raised by learned counsel for the petitioner as to whether it was a case of elopement & as to whether the prosecutrix was capable of giving lawful consent will be seen during the course of trial.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld.concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.

- (iv) The petitioner shall not commit any offence while on bail.
 - (v) The petitioner shall deposit his passport, if any, with the trial Court.
 - (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
 - (vii) The petitioner shall not in any manner try to delay the trial.
8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

January 12, 2024
poonam

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No