

208 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-1722-2024
Date of decision: 4th April, 2024

Monu

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vishvajeet, Advocate for
Mr. Naveen Kashyap, Advocate for the petitioner.
Mr. Arjun Lakhanpal, Addl. A.G. Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

FIR No.	Date	Police Station	Sections
175	08.07.2023	Sanoli, District Panipat	363 and 366 of Indian Penal Code, 1860 (for short ‘IPC’)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of written complaint filed by complainant ‘A’ (name withheld) alleging therein that the victim ‘R’ (name withheld) who was her daughter was found missing from the house on the same day and she suspected that the present petitioner had taken her away by inducing on the pretext of performing marriage with her. After registration of FIR, investigation proceedings were initiated. The victim was recovered on 10.07.2023. She was medically

examined. Her statement under Section 164 of Cr.P.C. was recorded, wherein she stated that she had gone with the petitioner as per her own wish and nothing wrong had been done with her. The petitioner was arrested on 12.07.2023. He suffered disclosure statement on interrogation admitting his involvement in the subject crime and also demarcated the place of occurrence. After completion of necessary investigation and usual formalities, challan stands presented. Presently, the petitioner is facing trial before the learned trial Court. Charges are yet to be framed against the petitioner.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. He is in custody since 12.07.2023. Trial is likely to take time as even charges have not been framed against him. The victim had voluntarily accompanied him as per her statement recorded under Section 164 of Cr.P.C.. No useful purpose would be served by keeping him in custody. Therefore, it is argued that the petitioner deserves to be given concession of bail.

4. Status report filed by respondent-State is taken on record. He has submitted that there are serious and specific allegations against the petitioner. The victim had been medically examined and as per medical report the possibility of her being subjected to rape could not be ruled out. It is argued that there are chances of petitioner's intimidating the victim and other material witnesses, if granted benefit of bail. Therefore, it is urged that the petitioner does not deserve to be given concession of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.
6. The petitioner is alleged to have enticed away the minor victim on the pretext of performing marriage with her on 08.07.2023. He is in custody since 12.07.2023. Investigation has been completed and challan stands presented as per which he has been challaned under Sections 363 and 366 of IPC. There are no allegations that he had sexually assaulted/raped the victim. In her statement recorded under Section 164 of Cr.P.C., the victim stated that she had gone with the petitioner at her own will. Keeping in view the facts and circumstances of the case and considering the period spent by the petitioner in custody and in view of well settled principle of law that bail is the rule and jail is an exception, I am of the considered opinion that the petition deserves to be allowed. Hence, the petition is allowed, the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.
7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]

JUDGE

4th April, 2024

Parveen Sharma

1. Whether speaking/ reasoned : Yes / No

2. Whether reportable : Yes / No