

Sr. No.222

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6653-2024
Date of decision: 26th April, 2024

SACHIN ALIAS CHINUPetitioner

versus

STATE OF HARYANARespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Pawan Kumar Hooda, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.871 dated 17.09.2023, under Sections 363, 366 of IPC, 1860, registered at Police Station Samalkha, District Panipat (Annexure P-1).
2. The allegations against the petitioner are that on 16.09.2023, the petitioner had enticed away the minor prosecutrix from the lawful custody of her parents.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He is in judicial custody since 21.09.2023. The prosecutrix has not stated anything against the petitioner in her statement recorded under Section 164 Cr.P.C.
4. Learned State counsel has submitted custody certificate of the petitioner dated 24.04.2024, reflecting his period of custody as 07 months and 04 days. Status report dated 22.02.2024, by way of affidavit of Sh. Krishan Kumar,

of respondent-State of Haryana, along with documents (Annexures R-1 to R-6), which are taken on record. As per the status report, investigation is complete and final report/challan under Section 173 Cr.P.C. was presented before the trial Court on 04.11.2023.

5. I have considered the aforesaid contentions and perused the paper book.

6. The FIR was registered at the instance of the father of the prosecutrix on 17.09.2023. As per the status report, on the next day of registration of the FIR i.e. on 18.09.2023, the complainant had produced his daughter before the Investigating Officer and her statement under Section 164 Cr.P.C. (Annexure P-2) was recorded. Relevant portion of the same reads as under:-

“xxx xxx xxx xxx

Q.No.3: What do you want to say?

Ans: I went to Dargah of my own wish. I was not kidnapped by anybody. Now I want to go my home. But my parents don't want to take me.

Q.No.4: Do you want to say anything else?

Ans: No, Sir. I want to go Nari Niketan.

xxx xxx xxx xxx”

7. As per the status report, on 18.09.2023, the victim was taken to Civil Hospital, Panipat for her medical examination and her UPT test was found to be negative. As per the evidence collected during investigation (Annexures R-3 and R-4), the age of the prosecutrix is 16 years 09 months and 19 days.

8. Investigation is complete. Final report under Section 173 Cr.P.C. has been presented. Charges are yet to be framed. There are total 14 prosecution witnesses, which are yet to be examined.

9. Keeping in view the aforesaid facts and circumstances of the case and also considering the fact that the age of the petitioner is 18 years, the present petition is allowed.
10. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
11. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
12. Pending miscellaneous application(s), if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)

JUDGE

26th April, 2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No