



105+222

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

**CRM-21741-2024 in/and
CRM-M-9272-2024
Reserved on: 24th July, 2024
Date of decision: 23rd August 2024**

RINKU **.....Petitioner**

versus

STATE OF HARYANA **.....Respondent**

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Vikas Bishnoi, Advocate
for the applicant-petitioner.

Mr. Amrik Singh Narwal, D.A.G., Haryana.

HARPREET KAUR JEEWAN, J.

CRM-21741-2024

The present application has been filed under Section 482 Cr.P.C.
for preponing the date of hearing of the main case from 24.07.2024 to some
early date.

Disposed of as having been rendered infructuous.

CRM-M-9272-2024

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.683 dated 23.12.2023, under Sections 363, 366 IPC, 1860, registered at Police Station Sadar Fatehabad, District Fatehabad (Annexure P-1).
2. Learned counsel for the petitioner contends that the petitioner is 20 years of age. He has been falsely implicated in the present case. The petitioner



is not involved in any other criminal case. He is in custody since 27.12.2023.

The conclusion of trial is going to take time.

3. On the other hand, the learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner. Learned State counsel has filed status report dated 26.04.2024, by way of affidavit of Sh. Kulwant Singh, HPS, Deputy Superintendent of Police, Fatehabad, District Fatehabad, on behalf of respondent-State of Haryana, which is taken on record.

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

5. The FIR was registered at the instance of the father of the prosecutrix, who lodged a missing report submitting that he has 10 daughters, out of which, 04 are married. His daughter 'K' was missing since 22.12.2023. The date of birth of the victim is 10.07.2008. The victim was recovered on 24.12.2023. As per the recovery memo (annexed as Annexure R-1, along with the status report dated 26.04.2024), the victim came to the Police Station with her parents and her statement under Section 164 Cr.P.C. was recorded on 25.12.2023.

6. The statement of the victim recorded under Section 164 Cr.P.C. (annexed as Annexure R-2 along with the status report dated 20.03.2024) is reproduced as under:-

“xxx xxx xxx xxx

Answer: On 22nd December 2023, I had been annoyed with my parents and had gone from the residence to Amritsar. I slept for two nights at Bus Stand. I had returned in the night on 24.12.2023. My parents have levelled false allegations on me that I had stolen Rs.5,000/- from the residence



whereas I had not committed any theft. If my parents will not level false allegation on me, then I will go to them at residence. I do not want to say anymore.”

7. As per the application for medical examination of the victim (annexed as Annexure R-2 along with the status report dated 26.04.2024), the victim stated that nothing wrong has happened to her and she does not want her internal physical examination to be conducted, for which her mother also agreed. The endorsement below the application, submitted by the Investigating Officer to the Medical Officer, is stated to have been signed by the prosecutrix as well as by her mother.

8. Though the victim was aged 15 years 05 months and 12 days on the day of alleged occurrence, however, the petitioner is in custody since 27.12.2023. The victim has not alleged any forceful compulsion of marriage by the petitioner in her statement recorded under Section 164 Cr.P.C. The petitioner is a young boy aged 20 years.

9. Investigation is complete. Final report/challan under Section 173 Cr.P.C. has been presented. Conclusion of trial is likely to take some time. No useful purpose would be served by keeping the petitioner in custody during the trial, as such, without expressing anything on the merits of the case and keeping in view the above facts, the present petition is allowed.

10. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.



11. However, the petitioner shall refrain from contacting the minor victim in any manner and would also furnish an undertaking before the trial Court before he is released on bail.

12. Pending miscellaneous application(s), if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

23rd August 2024
simran

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>