



CRM-M-11132-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-11132-2024(O&M)
Date of decision: 22.10.2024

NEERAJ ALIAS NEERAJ KUMAR

... Petitioner

Vs.

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Munfaid Khan, Advocate for the petitioner.

Mr. Sharad Aggarwal, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

1. Instant second petition has been filed under Section 439 Cr.P.C., seeking grant of regular bail to the petitioner in:-

FIR No.	Dated	Police Station	Section
90	20.02.2020	Sector 10, District Gurugram	363, 366 of IPC and 26 of Juvenile Justice (Care and Protection of Children) Act, 2000

2. Case of the prosecution is that FIR, Annexure P-1, was registered on the statement of ‘A’ (name withheld), father of the victim on the allegation that his 5 years old daughter was playing in a lane adjoining his house on 19.02.2020 at 6:00 pm and she is missing. The complainant described her physical features as well as her attire and made a request for locating her. Complainant alleged that his daughter

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has been enticed by some unknown person. During investigation, Neeraj, present petitioner, was arrested on 24.02.2020 and his disclosure statement was recorded. Victim was recovered from CWC Mayur Vihar, Phase I, Delhi, on 24.02.2020 and her statement under Section 164 Cr.P.C. was recorded on 25.02.2020, Annexure P-2.

3. While making a reference to the statement of the victim, Annexure P-2, counsel for the petitioner submits that there is no allegation against the petitioner nor he has been named. He submits that despite incarceration for the last more than 4½ years, the prosecution has failed to produce the victim or any other material witness and the petitioner, who is a young man, deserves to be enlarged on bail. 4.

Pursuant to the previous order passed by this Court, State counsel has filed the status report by way of an affidavit of Assistant Commissioner of Police, West, Gurugram, dated 21.10.2024, which is taken on record. By referring to the contents of the status report, State counsel submits that on the basis of information gathered during the investigation, searches were conducted at Gurugram, Noida and District Motihari, Bihar, but neither the victim nor her family members could be located. As per his instructions, charge was framed on 11.01.2024 and two witnesses out of 16 prosecution witnesses have been examined.

5. I have heard counsel for the parties and have considered their respective submissions.

6. Petitioner has been in detention for the last more than 56 months and the prosecution has been unable to produce any vital witness.



The allegations levelled against the petitioner would remain a subject matter of debate before the trial Court. On account of non-production of the crucial witnesses, petitioner cannot be kept in detention. This Court is, therefore, inclined to accept the prayer made in the petition.

7. Without advertng to the merits or demerits of the arguments addressed, petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

22.10.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No