



Sr. No.327

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17530-2024
Date of decision: 23rd May, 2024

AMAN @ AMITPetitioner

versus

STATE OF HARYANA AND ANOTHERRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Amit Choudhary, Advocate and
Mr. Hritik Gupta, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Ms. Suman Saharan, Advocate for
Mr. Rajesh Nain, Advocate, for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.604 dated 18.12.2022, under Sections 363, 366 IPC, 1860, registered at Police Station City Tohana, District Fatehabad (Annexure P-1).
2. Learned counsel for the petitioner *inter alia* contends that the FIR was registered on 18.12.2022 on the basis of the statement of the father of the victim, who alleged that his daughter is missing since 18.12.2022. Two unknown persons came on a motorcycle and allured her daughter on the pretext of marriage. The age of his daughter is 17 years. However, she was produced before the Police on 23.12.2022 by her parents as per the recovery memo (Annexure P-2) and her statement under Section 164 Cr.P.C. was recorded on 24.12.2022 (Annexure P-3), wherein, she has categorically stated that the petitioner did not commit any wrong



year 02 months and subsequently, another FIR No.273 dated 16.05.2023 was registered against the petitioner under Sections 363, 366, 376(2)(n) IPC, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012, wherein, the petitioner has already been granted bail vide order dated 18.12.2023, passed by the Additional Sessions Judge-cum-Special Judge, Fast Track Court, Fatehabad (Annexure P-4). It is further contended that the father of the prosecutrix has been repeatedly filing complaints and 04 FIRs have been registered against the petitioner with similar set of allegations.

3. Learned State counsel has filed reply dated 08.05.2024, by way of affidavit of Sh. Shamsheer Singh, HPS, Deputy Superintendent of Police, Tohana, District Fatehabad, on behalf of respondent-State of Haryana as well as custody certificate of the petitioner dated 17.05.2024, which are taken on record. Learned State counsel confirms that investigation is complete and charges have been framed. As per the status report, the statement of the witnesses is yet to be recorded.

4. Learned State counsel further submits that as per the police verification, the date of birth of the prosecutrix is 25.07.2006 and there are other FIRs registered against the petitioner. However, in the status report, it has been mentioned that the petitioner has been acquitted in FIR No.333 dated 25.07.2021 and cancellation report has been presented in FIR No.290 dated 28.06.2022. Now the trial in FIR No.273 dated 16.05.2023, registered under Sections 363, 366, 376(2)(n) IPC, 1860 and Section 6 of Protection of Children from Sexual Offences Act, 2012, is pending for prosecution evidence.

5. Ms. Suman Saharan, Advocate has put in appearance on behalf of Mr. Rajesh Nain, Advocate, for respondent No.2 and filed power of attorney,

which is taken on record.



6. I have considered the aforesaid contentions and perused the paper book.
7. Keeping in view the facts and circumstances of the present case as well as the custody of the petitioner and also the fact that investigation is complete, charges have been framed and there is no apprehension of absconding of the petitioner, the present petition is allowed.
8. 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.
9. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
10. Pending miscellaneous application(s), if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

23rd May, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>