



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-35712-2024
DATE OF DECISION: 03.12.2024

PANKAJ KUMAR AND ORS ...PETITIONERS

Versus

STATE OF HARYANA AND ANOTHER
... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amit Paruthi, Advocate for the petitioner(s).

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed under Section 483 BNSS for grant of regular bail to the petitioners in FIR bearing No.264, dated 09.04.2024 (Annexure P-1), under Sections 365 Indian Penal Code, 1860 in which section 120-B IPC came to be added later on, Police Station- Gurugram Sadar, District Gurugram.

2. Prosecution story set up in the present case as per the version in the FIR reads as under :-

‘To SHO Naharpur Roopa District Gurugram. It is requested that I Kanhaiya Lal S/o Hanuman ji, resident of village Bansur district Alwar (Rajasthan), currently tenant at house no. 530/2 Street No. 5 Naharpur Rupa and work as potato and onion seller in Sadar Bazaar and live on rent with my family at the above address for the last 8 months. I have three children in which there are 2 girls and one boy. My youngest daughter whose name is Komal is aged 4 years. Yesterday on 8/4/2024 at around 9.30 pm my wife left my three children at home and went to the shop to get a cake for my son Veeru's birthday. During that time, my daughter



Komal went somewhere and I and my wife searched around, but could not find her. After this, we checked the CCTV cameras installed nearby and saw that a young man was taking my daughter with him holding his finger. They did not recognize the person and asked people nearby but couldn't find her. Now I have come to the police to search for my daughter. It is possible that a young unknown person has enticed my daughter and taken her away with him. Legal action should be taken and my daughter should be searched. Applicant Kanhaiya Lal.'

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioners has submitted that the matter has been compromised between the parties and statements qua the same have already been recorded before the Illaqa Magistrate on 02.09.2024 in a petition bearing No. CRM-M-35828-2024 vide which quashing of the instant FIR has been sought.

On behalf of the State

On the other hand, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for 7 months and 17 day and is not in a position to controvert the submissions made by learned counsel for the petitioner.

4. **Analysis**

Without adverting to the factual aspects involved in the FIR wherein statements have been recorded and keeping in view the custody undergone by the petitioner as well as the fact that the investigation is complete as challan stands presented on 07.06.2024 and charges are to be framed with 18 PWs to be examined, however, the above narrated stage of proceedings would not be material in view of the petition bearing No.



CRM-M-35828-2024 vide which quashing of the instant FIR has been sought and statements have been recorded, therefore, no fruitful purpose would be served by keeping the petitioner behind the bars.

5. **Decision:**

In view of the aforesaid discussions made hereinabove, the petitioners are directed to be released on regular bail on their furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

03.12.2024
anuradha

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