

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

213 CRM-M No.40017 of 2023
Date of decision: 09.02.2024

Kapil ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Raj Kapoor Malik, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J.

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
006	10.01.2023	Titram, District Kaithal	363, 366-A and 120-B of IPC

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was initially registered under Section 363 of IPC on the basis of a written complaint filed by the complainant “B” (name withheld) alleging therein that daughter of his deceased brother “K” (name withheld) had gone to attend school on 09.01.2023 but did not come back. While suspecting that she might have been enticed away by some youth, he prayed for taking penal action in the matter. Investigation proceedings were initiated. During investigation,

offence under Section 366- of IPC was added. The investigating agency had obtained call detail records of certain suspected persons on the basis of which the present petitioner and the co-accused Ravi Kumar were apprehended. They were interrogated. The accused Ravi Kumar suffered a disclosure statement to the effect that his friend Robin was in love with the victim and had made a call to him to pick up the victim on 09.01.2023 from her village in his vehicle and to drop her at Ambala Cantt Railway Station by disclosing that he wanted to perform marriage with the victim. This accused further disclosed that he had joined the present petitioner along with him to go to the village of victim on 09.01.2023 and after picking up the victim in his vehicle, she along with the accused Robin was dropped by them at Ambala Cantt Railway Station. The petitioner also suffered similar disclosure statement. The victim was recovered from the custody of the accused Robin on 12.12.2023. The co-accused Robin also suffered disclosure statement. One more co-accused namely, Vikram was apprehended. Statement of victim was recorded. After completion of necessary investigation and usual formalities, challan was presented against the petitioner and the co-accused for commission of offences punishable under Sections 363, 366-A and 120-B of IPC and presently, they are facing trial before the trial Court.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case on the basis of disclosure statement of co-accused Ravi. He had no connection or communication whatsoever with

the accused Robin. He was not even named in the FIR. No conspiracy had been hatched by him with the co-accused for kidnapping the victim. The ingredients for commission of offences punishable under Sections 363 and 366-A of IPC were not made out against him. Hence, it is argued that he deserves to be given benefit of bail.

4. Learned State counsel has filed status report and the same is taken on record.

5. Learned State counsel, on the other hand, has argued that the petitioner had a hand in commission of subject offences as he along with the co-accused Ravi Kumar had taken away the minor victim from the custody of her lawful guardians and had left her along with co-accused Robin at Ambala Cantt Railway Station. The allegations against were serious in nature. Hence, he has argued that the petition does not deserve to be allowed.

6. I have heard learned counsel for the petitioner as well as learned State counsel and have perused the material placed on record carefully.

7. The petitioner is alleged to be a member of the conspiracy which was allegedly hatched by the co-accused Robin and Ravi Kumar for taking away the minor victim from the custody of her lawful guardians so that the co-accused Robin who was having a love affair with the victim could elope with her. The part which is attributed to the petitioner is that he had accompanied the co-accused Ravi Kumar in his vehicle for picking up the victim from her village on the fateful day. He

is in custody since 26.03.2023. The trial is likely to take time. No useful purpose is going to be served by detaining the petitioner further in custody. Keeping in view the nature of the allegations as levelled against him, the part attributed to him, the quantum of sentence which the conviction may entail and the entire facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner deserves to be extended benefit of bail. Hence, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/Illaqa Magistrate.

09.02.2024

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No