

Sr. No.214

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

CRM-M-57619-2023
Date of decision: 07th February, 2024

ANKIT **.....Petitioner**

versus

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

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.505 dated 05.09.2023, under Sections 363 and 366 of IPC, registered at Police Station Sector 29, Panipat.
2. The instant petition has been registered at the instance of the mother of the victim with the allegations that on 05.09.2023, her daughter aged 15 years left home at 7:00 AM and she went to School but she did not return back. The complainant and her family members searched everywhere for the victim but she was not found anywhere.
3. Learned counsel for the petitioner *inter alia* contends that the daughter of the complainant left her parent's house of her own will and went to Sri Amritsar Sahib. Thereafter, she came back on 11.09.2023. Even the statement of the victim has been recorded under Section 164 Cr.P.C. (Annexure P-2) wherein, she has testified about the said facts. The petitioner is a married person and he has never

enticed away the victim. Only the wife of the petitioner was having friendship with the victim. It is further contended on behalf of the petitioner that the victim has categorically stated in her statement recorded under Section 164 Cr.P.C. that nothing has happened to her and she refused to get her medical examination conducted. Final report under Section 173 Cr.P.C. has been filed and charges have been framed. The petitioner is in custody w.e.f. 13.09.2023. He has been falsely implicated in the present case.

4. On the other hand, learned State counsel opposes the bail on the ground that the allegations levelled against the petitioner are serious in nature. The State counsel has filed reply by way of an affidavit of Sh. Narender Singh, HPS, Deputy Superintendent of Police, Panipat today in the Court, which is taken on record.

5. Learned State counsel contends that the victim is a minor girl aged 15 years and as per the status report, she was recovered from near New Bus Stand, Siwah, District Panipat from the possession of the petitioner.

6. I have considered the aforesaid contentions.

7. As per the status report, the victim has refused to get her medical examination conducted and her UPT Test was found to be negative. After the counselling of the victim was done on 12.09.2023 by CWC Counselling Centre, the offence under Section 365 IPC was deleted. Final report under Section 173 Cr.P.C. has been presented before the trial Court and out of total 11 witnesses, none has been examined. The petitioner has been implicated on the basis of his alleged disclosure statement (Annexure R-1).

8. The allegations of the complainant are matter of trial. Investigation is complete; out of 11 witnesses, none has been examined; the trial will take some

the trial. Without commenting on the merits of the case and keeping in view the above facts, the present petition is allowed.

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

10. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

07th February, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>