

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-2559-2024
Date of decision:-15.05.2024

Dharma

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Ankur Tyagi Advocate
for the petitioner.

Mr.Aman Bahri, Addl.A.G., Haryana.

SUVIR SEHGAL, J. (ORAL)

1. This third petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
145	19.07.2008	Ganaur, District Sonapat	366-A, 370, 376, 120-B IPC and Section 23 of Juvenile Act

2. Version of the prosecution is that FIR has been registered on the complaint of ‘R’ (name withheld) aged about 16 years on the allegations that about a year earlier, her aunt allured her and took her to Tehsil Ganaur, District Sonapat on the pretext of sightseeing. She was paid Rs.20,000/- by Dharam Singh (present petitioner), father of Ajay Singh and her aunt handed her to the petitioner. Ajay Singh told her that she had been purchased and



has to stay with him as his wife. Ajay Singh exploited her for almost one year. She escaped from his custody and went to Delhi on train. When she went to the police station, she was four months pregnant.

3. Counsel for the petitioner submits that the investigating agency does not possess any incriminating material against the petitioner as the aunt of prosecutrix, who has allegedly been paid by the petitioner has neither been made as an accused nor has she been cited as a witness. He submits that the petitioner, who was arrested on 21.09.2021 is in detention since then, but the whereabouts of the prosecutrix are not known. He asserts that the petitioner deserves to be released on bail as he is not involved in any other criminal case.

4. *Per contra*, State counsel on instructions has opposed the petition. He has made a reference to the reply filed by way of affidavit by Assistant Commissioner of Police, Ganaur to submit that co-accused Ajay Singh was declared as a proclaimed offender, though he was later apprehended. He has specific instructions to state that the prosecutrix could not be located. He submits that three out of nineteen prosecution witnesses have been examined.

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

6. Petitioner is in custody for the last more than 31 months. The whereabouts of the most vital prosecution witness are not known. Noticing the length of detention of the petitioner, nature of allegations and the clean antecedents of the petitioner, this Court has no hesitation in acceding to the



prayer made in the petition.

7. Without advertng to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8.. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

15.05.2024
Brij

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