



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

CRM-M-57899-2024
Date of decision: 03.03.2025

Sumit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Nissim Aggarwal, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of BNSS 2023 seeking grant of regular bail to the petitioner in case having FIR No.482 dated 31.08.2024 , under Section 140(3) of BNS (Section 137(2), 87 of BNS added later on and Section 140(3) BNS deleted), at Police Station Old Industrial, Panipat District Panipat.

2. The FIR in this case was registered on the basis of statement of Krishan Dutt who reported to the police that his minor daughter Ridhi was missing since morning of 31.08.2024. Subsequently, the minor daughter was recovered and her statement Annexure P-5 was recorded under Section 164 Cr.P.C by the concerned Magistrate on 03.09.2024. Thereafter, Ridhi got recorded her another statement Annexure P-6 with the police on 05.09.2024 wherein she named the present petitioner. During investigation of the case, the petitioner was arrested.

3. The counsel for the petitioner *inter alia* submits that the petitioner was not named in the FIR which was got registered by Krishan Dutt with regard to missing of his minor daughter. It is further submitted that as per prosecution, later on Ridhi was recovered and her statement Annexure P-4 under Section 164 Cr.P.C. was recorded, wherein she did not



name the present petitioner. It is further submitted that subsequently, the petitioner was named by Ridhi in her another statement Annexure P-6 which was recorded on 05.09.2024, that to only under the pressure of her parents. It is further submitted that only allegations in Annexure P-6 are that the present petitioner induced Ridhi to leave her house on the pretext of performing marriage with her. It is further submitted that after her recovery, Ridhi refused to get herself medically examined and on presentation of challan, now trial Court has framed charges only with regard to kidnapping under Section 137 (2) and 87 BNS, 2023. It is further submitted that till date there are no allegations of rape or sexual assault against the present petitioner who is in custody for the last more than 5 months and is having no criminal history and further, it will take time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail during pendency of the trial.

4. The present petition is resisted by the State counsel who submits that the present petitioner induced the minor daughter of Krishan Dutt, as a result of which, the minor child left her house and the matter was reported to the police by Krishan Dutt. However, the State counsel has not disputed the fact that the minor girl child was recovered and in her statement Annexure P-4 recorded by the concerned Magistrate. She did not state anything against the petitioner. However, subsequently, on 05.09.2024, the petitioner was named by the said minor girl child to be the person who induced her to leave her parental house on the pretext of marriage. The State counsel has also not disputed the fact that till date, there are no allegations of sexual assault or rape against the petitioner. That the police has presented challan against the petitioner with regard to kidnapping and trial Court has framed charges under Section 137 (2) and 87 of BNS, 2023 but till date, no witness is examined on behalf of the prosecution.

5. Admittedly , the petitioner is in carcerated for the last more than 5 months and at the first instance, the victim failed to name the petitioner in her statement Annexure P-4 recorded by the concerned Magistrate. However, on 05.09.2024, the petitioner was named by the victim in her another statement Annexure P-6 recorded by the police. Till



date, there are no allegations being faced by the petitioner that he committed sexual assault or rape with the minor girl child. Further, it will take time for the trial to conclude. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

6. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

03.03.2025
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No