



CRM-M-65397-2024(O&M)

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

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CRM-M-65397-2024(O&M)
Date of Decision: 01.04.2025

Anil Prajapati

..... Petitioner

VERSUS

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Keshav Baheti, Advocate
for the petitioner (through VC).

Ms. Priyanka Sadar, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.316, dated 11.09.2023 registered under Section 366-A IPC at Police Station Sector 50, District Gurugram.

2. Brief facts of the case are that the abovesaid FIR was registered on the statement made by complainant-Ashok Bansal stating that on 08.09.2023 at about 07.00 A.M., his wife went to her work and at about 10.30 a.m. he went on his work and his daughter 'R' aged 17 years was at home. He alleged that about 1.30 PM when they returned home they found the child victim missing and thought that she might have gone in neighbourhood and again left for their respective work places. He alleged that about 06.00 PM when they returned home they found the child victim



missing. He alleged that they searched her in the vicinity but despite frantic search her whereabouts could not be located. He alleged that his daughter/child victim used to talk on mobile number 72XXXXXX74 and raised suspicion that child victim might had been allured and enticed away by someone. He gave detailed description and wearings of child victim. Hence the present FIR

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The relationship between the petitioner and the prosecutrix were consensual in nature and the said fact has been admitted by the prosecutrix in her statement under Section 164 Cr.P.C recorded before the Magistrate. He further submits that the prosecutrix has now got married with some other person and photographs to this effect have been annexed with the petition as Annexure P-3. He further submits that since the relationship was consensual, therefore, even she has visited the jail to meet the petitioner and jail record has been placed on record as Annexure P-2. He further submits that the investigation in the present case is complete; the challan has been presented; charges have been framed and out of total 17 prosecution witnesses, only four have been examined and the trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel, could not dispute the abovesaid factual aspect as narrated by learned counsel for the petitioner. However, she conceded the facts that the petitioner is in custody for the last more than 01 year, 05 months and 18 days.



5. I have heard learned counsel for the parties and perused the record.
6. Keeping in view the custody period of the petitioner i.e. 01 year, 05 months and 18 days and the facts that investigation in the present case is complete; challan has been presented; charges have been framed; out of total 17 prosecution witnesses, only 04 material witnesses have been examined and the trial may take a considerable time to conclude, therefore, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court concerned.
7. The petition stands disposed of accordingly.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

01.04.2025
monika

(NAMIT KUMAR)
JUDGE

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