

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15315 of 2015
Date of decision: May 15, 2015

Rashid @ Ashish

.... Petitioner..

Versus

State of Haryana

.... Respondent..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Mukesh Kumar Bhatnagar, Advocate,
for the petitioner.

Mr. C.S. Bakshi, Addl.A.G., Haryana,
for respondent-State.

Jaspal Singh, J.(Oral)

This is a petition under Section 439 of the Code of Criminal Procedure (for brevity, 'Code') preferred by Rashid @ Ashish-petitioner seeking regular bail during the pendency of trial, in case bearing FIR No. 11, dated 06.01.2015, under Sections 363, 366-A and 506 IPC, registered at Police Station Gannaur, District Sonipat.

2. Instant case was got registered by Satbir, son of Ramphal, resident of Jhijhara Road, Gannaur, on the allegations that on January 05, 2015 at about 11:00 A.M. one of his daughters, aged about 16 years had gone somewhere with her own freewill or some unknown person enticed/concealed her. Instant FIR was registered and during investigation of this case, victim was recovered, accused was also arrested and produced before the Court. Undoubtedly, name of petitioner

did not figure in the FIR. After the recovery of victim, she was produced in the Court of Id. Jurisdictional Magistrate for getting her statement recorded under Section 164 of the Code, which was recorded on January 08, 2015. In the said statement, she has categorically stated that she had gone to her maternal uncle's home as per her own will/desire and she has been taken by the police from that place. She did not utter anything beyond that. Meaning thereby, that there are no allegations against petitioner that victim was either enticed away by the petitioner or she has been subjected to any kind of molestation. Petitioner was arrested in this case on January 10, 2015, subjected to custodial interrogation and at present, he is in judicial custody. Moreover, challan has already been presented, disposal of which is likely to take sufficient long time.

3. Taking into consideration all the above referred aspects but at the same time without expressing any opinion on the merits of the case, this Court deems it a fit case to extend the concession of bail. Accordingly, petition is allowed and petitioner-Rashid @ Ashish is ordered to be released on bail, during pendency of trial, at the satisfaction of trial court/Duty Magistrate, Sonipat.

May 15, 2015
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(JASPAL SINGH)
JUDGE