

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

CRM No.M-4897 of 2015

Date of Decision: 18.2.2015

Kamlapath @ Kamal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr.Ashok Kaushik, Advocate for the petitioner.

Mr.Navin Sheoran, DAG Haryana for the State.

MEHINDER SINGH SULLAR , J. (Oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him, vide FIR No.423 dated 4.12.2014, on accusation of having committed the offences punishable under sections 366 and 406 IPC, by the police of Police Station Kotwali, Faridabad.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable help and after deep consideration over the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Precisely, the prosecution, inter-alia, claimed that on 2.12.2014, the victim (name intentionally withheld) aged 24 years, had gone for walk in a park, but she did not return back. Her brother complainant Rakesh Makkar s/o Phool Kumar Makkar searched for her, but in vain. Lateron, on the basis of telephone calls, it was suspected that petitioner had enticed her away for the purpose of performing marriage with her. The victim appears to have herself accompanied the petitioner to Madhya Pradesh, from where, she was recovered by the police. Not only that, she did not raise any

accusing finger towards the petitioner in her statement dated 7.12.2014 (Annexure P1) recorded u/s 164 Cr.PC by the Magistrate. In that eventuality, as to whether the penal provision of section 366 IPC to the facts, relatable to the case of the petitioner, is attracted or not, inter-alia, would be a moot point to be decided during the course of trial after receipt of evidence of parties by the trial Court.

5. Be that as it may, the petitioner was arrested on 10.12.2014. Since then, he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. Since not even a single witness has yet been examined by the prosecution, so, the final conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the totality of the peculiar facts & special circumstances, emanating from the record, as described here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side, during the course of trial of main case, the instant petition for regular bail is accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

7. Needless to mention that nothing observed, here-in-above, would reflect, on merits of the main case, in any manner, during the course of trial, as the same has been so recorded for the limited purpose of deciding the present petition for regular bail only.

(Mehinder Singh Sullar)
Judge

18.2.2015

AS