

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

Crl. Misc. M-10595 of 2018 (O&M)
Date of Decision: October 26, 2018

Sabir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Mansur Ali, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.198 dated 28.11.2017, under Sections 34, 365, 376, 376-D of Indian Penal Code and Section 25 of Arms Act, registered at Police Station Bichhor, District Nuh.

Learned counsel for the petitioner herein contends that the petitioner was taken into custody in the aforesaid FIR on 04.01.2018. It is submitted that the prosecutrix namely Aarifa has solemnized a marriage with Sarfu alias Sarfudeen and in this regard, had also sought protection from the High Court by filing Criminal Misc. No.M-5482 of 2018. Thereafter, she had also suffered a statement on 17.01.2018 admitting to the fact that she was living with her husband Sarfu alias Sarfudeen. In the said statement, the prosecutrix has submitted that a false complaint has been

registered in the month of November, 2017 with regard to her kidnapping, while further submitting that she was never allured or kidnapped by her husband Sarfu alias Sarfudeen or his family members. It is also contended that out of total 21 witnesses, only 02 witnesses have been examined and conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from ASI Shobha Rani, opposes the grant of regular bail to the petitioner. However, does not dispute the fact that out of total 21 witnesses, only 02 witnesses have been examined.

I have heard learned counsel for the parties and have also perused the police file, which would reflect that there is a statement that has been recorded of the prosecutrix under Section 164 Cr.P.C. in which no allegations of rape have been made out against the petitioner herein. In view of the facts that the petitioner herein has been in custody since 04.01.2018 and that trial is likely to take sufficient time to conclude, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

October 26, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No