

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

CRM-M-15596-2018  
Date of decision: 24.04.2018

Ashok ... Petitioner

VS

State of Haryana ... Respondent

**CORAM: HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. R.K.Girdhwal, Advocate  
for the petitioner.

Mr. Ramesh Kumar, AAG, Haryana.

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**Lisa Gill, J. (Oral)**

The petitioner prays for bail pending trial in FIR No.98 dated 29.04.2017 under Section 365, 328, 376, 506, 34 IPC registered at Police Station Line Paar Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner submits that the petitioner, who is a tenant of the alleged victim and her husband, has been falsely implicated in this case. As per the allegations in the FIR, the victim i.e. the mother of the complainant went missing on 19.04.2017. FIR in question was registered on 29.04.2017 after an unexplained delay of ten days. The victim herself appeared before the authorities on 22.05.2017 and her statement under Section 164 Cr.PC was recorded on 23.05.2017 (Annexure P-3). The alleged victim has deposed before the learned trial Court and she was declared hostile. Copy of her deposition is attached as Annexure P-4 with the petition. It is, thus, prayed that this petition be allowed.

Heard learned counsel for the parties.

Learned counsel for the State, on instructions, from ASI

Surender Kumar does not deny the factual position that FIR was lodged on

29.04.2017 for abduction of the complainant's mother on 19.04.2017. He further submits that the statement of the victim under Section 164 Cr.PC as well as her deposition before the trial Court are matter of record. There is no allegation that the petitioner is likely to abscond or not be available to face trial. Trial in this case is not likely to conclude in the near future.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of the case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court.

It is, however, clarified that the petitioner shall not try to contact the complainant/victim or any of her family member in any manner – directly or indirectly. Any such infraction on the part of the petitioner may entail cancellation of his bail.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

24.04.2018  
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**(LISA GILL)**  
**JUDGE**

Whether speaking/non-speaking?      Yes/No

Whether reportable?      Yes/No