

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

**CRM-M-36802-2018  
Date of decision: 30.08.2018**

Upender Yadav

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present: Mr. Devinder Singh, Advocate,  
for the petitioner.

Mr. P. P. Chahar, DAG, Haryana.

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**JAISHREE THAKUR, J. (ORAL)**

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 389 dated 09.10.2017 under Sections 363, 366A IPC, registered at Police Station Kundli, District Sonipat.

It is contended by learned counsel for the petitioner that the FIR has been registered with an allegation that the prosecutrix, sister of the complainant, had been kidnapped by the petitioner herein. Learned counsel for the petitioner contends that in fact statement of the prosecutrix has been recorded under Section 164 Cr.P.C. wherein she had categorically stated that she had gone with the petitioner of her own free will and, therefore, based on this statement, no offence under Sections 363, 366A IPC is made out. It is also contended that the investigation in the matter is complete and

the charges have been framed, and therefore, custody of the petitioner is no longer required.

Mr. P. P. Chahar, learned DAG, Haryana opposes the grant of regular bail, however, does not dispute the fact that a statement of the prosecutrix has been recorded under Section 164 Cr.P.C. wherein she had categorically stated that she had gone with the petitioner of her own free will and, therefore, based on this statement, no offence under Sections 363, 366A IPC is made out against the petitioner.

I have heard learned counsel for the parties and in view of the fact that the petitioner herein has been in custody since 16.10.2017; challan has been presented in the Court and custody of the petitioner is no longer required, without expressing any opinion on merits of the case, the present petition is allowed. Petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.

(iii) He shall not leave the country without the previous permission of the Court.

30.08.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)  
JUDGE

Yes.

No.