

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-52720 of 2018 (O&M)
Date of decision : December 05, 2018

Surender @ Gholu

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Raman Chawla, Advocate, for the petitioner
Mr. Amrik Narwal, DAG, Haryana for the State

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Surender @ Gholu in this first regular bail application under Section 438 of the Code of Criminal Procedure filed in case FIR No. 560 dated 22.9.2018 under Sections 363, 366A and 120-B IPC and Section 3(XI) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are as follows:-

The complaint has been lodged by Krishan Kumar, father of a girl aged few days less than 18 years alleging that his daughter was enticed and taken away by Mainpal alias Kala from their house on the pretext of marriage and the role attributed to the petitioner by the prosecution as has been brought to the notice of the Court is that the petitioner has helped the principal accused Mainpal.

Mr. Raman Chawla, counsel for the petitioner contends that the

petitioner is behind the bars since 28.9.2018 and that no specific role is attributed to him in the commission of the offence.

Learned State counsel, on instructions from ASI Ajmer Singh, Police Station Barwala, District Hisar has opposed the grant of bail on the grounds that though the girl was few days below 18 years of age and thus can be termed to be a minor and the petitioner has been attributed the role for helping the principal accused in enticing and running away with the girl.

Appreciating the submissions of the two sides, to the very specific query of this Court, learned State counsel could not pin point any specific role except general accusation of having been instrumental in helping the principal accused in this elopement. The petitioner is behind the bars since long time and the trial is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail. The culpability, if any, shall be determined at the trial. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Hisar.

The present petition stands disposed off accordingly.

December 05, 2018

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No