

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-54286 of 2018 (O&M)
Date of decision : December 13, 2018

Sahil

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Amit Kumar Goyal, Advocate, for the petitioner
Mr. Gaurav Bansal, AAG, Haryana for the State

Fateh Deep Singh, J. (Oral)

The allegations against accused-petitioner in this first bail application under Section 439 Cr.P.C. filed in case FIR No. 163 dated 28.5.2018 under Sections 363, 366-A IPC, Police Station Old Subzi Mandi, Rohtak levelled by Anil Kumar father of the girl aged around 16 years that during the night of 27.5.2018 around 9.00 PM he found that his daughter had gone missing and has got the present case registered against the petitioner leading to his arrest on 10.7.2018.

Mr. Amit Kumar Goyal, learned counsel for the petitioner inter-alia contends that the girl and the boy were in a relationship and that the case has been got registered on mere suspicion and has sought to place on

record attested true copy of original affidavit moved by the complainant accepting that it was an outcome of suspicion that he has got the case registered against the petitioner and that he does not object to allowing the bail.

The factual scenario is not displaced by Mr. Gaurav Bansal, AAG, Haryana and who could not oppose the factum that the complainant has filed an affidavit before the trial court, copy of which has been placed on record of this case.

Keeping in view the stand of the two sides, a debatable issue having been arisen as to the applicability of Sections 363, 366-A IPC and which can only be adjudicated at the time of trial. 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. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Rohtak.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

December 13, 2018

'tiwana'

**(Fateh Deep Singh)
Judge**

*Whether speaking/reasoned ?
Whether Reportable ?*

*Yes/No
Yes/No*