

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

CRM-M-10406-2019

Date of decision: 26.8.2019

VAKIL SINGH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Jagjit Gill, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.138 dated 10.9.2018 under Sections 120-B, 328, 344, 346, 465, 366, 376-D, 506, 511 of the Indian Penal Code, 1860 registered at Police Station Odhan, District Sirsa.
2. Mr. Gudarshan Singh Sidhu, Advocate has put in appearance on behalf of the complainant and has filed power of attorney, which is taken on record.
3. The FIR was lodged at the instance of Gurpyar Singh wherein it has been alleged that he was married to victim about 2 months back. It is alleged that on 9.9.2018 his wife left home at about 4:00 am without informing any one and also took cash amount of ₹1,97,000/- along with 6-7 'Tolas'

of gold. It is alleged that the complainant suspect that victim had gone with Vakil Singh.

4. Learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioner and that in fact the aforesaid victim had voluntarily accompanied the petitioner and had solemnized marriage. It has further been submitted that in fact immediately after solemnization of marriage, since the petitioner and victim apprehend threat to their lives and liberty that they approached this Court by way of filing CRM-M-40063-2018 wherein directions were issued by this Court to Superintendent of Police, Sirsa to do the needful vide order dated 12.9.2018. Learned counsel has further submitted that although the prosecution is subsequently trying to build up a case that the petitioner has forcibly abducted victim but the facts on record totally belie the same. It has further been submitted that in any case since the challan has already been presented and the petitioner has been behind bars since 27.9.2018, the petitioner deserves the concession of bail.
5. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that the aforesaid victim has been examined during the course of trial wherein she has stated that the petitioner-Vakil Singh had abducted her from home and had taken her away and that she was forcibly married. It has thus been submitted that in view of the categoric stand taken by victim, no case for bail is made out.
6. Having considered rival contentions addressed before this Court, it will certainly be debatable as to whether the victim had accompanied the petitioner out of her own accord and free Will or as to whether she was

abducted by the petitioner at knife point. In any case, since the challan has already been presented and the statement of prosecutrix has already been recorded, further detention of the petitioner who is in custody since 27.9.2018 will not serve any purpose especially keeping in view the fact that only 2 PWs out of cited 29 PWs have been examined and conclusion of trial, in its normal course, is likely to take some time. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

26.8.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No