

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

CRM-M No.10321 of 2019
Date of decision: 12th March, 2019

Rajat

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Jasmeet S. Ghumman, Advocate for the petitioner.

Mr. A.S. Sandhu, Addl. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Petitioner Rajat who is in custody since 29.11.2018, has moved this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.205 dated 28.11.2018 under Sections 363, 366 IPC pertaining to Police Station Division No.3, Police Commissionerate Jalandhar.

The facts detailed are that the present case was got registered by the complainant, father of a minor girl aged around 17 years, alleging that his daughter is a student of 10+1 class and on 28.11.2018 she had gone to school as usual but did not return and which was followed by a telephonic call from the school authorities intimating that daughter of the complainant was missing and her school bag was lying in the school premises. It was on the basis of information gathered the complainant alleged that his daughter was in a relationship with Harsh Soni, the

principal accused non applicant, and the allegations against the present petitioner Rajat are that he on the asking of his co-accused non-applicant had taken the victim on his motor bike to Jalandhar and dropped her at Jalandhar Railway Station who thereafter boarded a train and went to Ludhiana and had meals at the local gurdwara and thereafter she made a telephonic call to her father leading to recovery of the girl and apprehension of the petitioner.

Learned counsel for the petitioner Mr. Jasmeet Singh Ghumman, Advocate contends that the petitioner is behind bars since last more than four months and that a bare perusal of the allegations do not spell out any specific role to the petitioner in commission of the offence and that he has only accompanied the girl on the asking of his co-accused and that the trial is not likely to be concluded in the near future. He has further sought to draw the attention of the Court to statement of the victim recorded under Section 164 Cr.P.C. where no such allegation of either rape, molestation, forcible abduction or kidnapping have come about.

On behalf of the State, Mr. A.S. Sandhu, Addl. Advocate General, Punjab on instructions from ASI Balwinder Singh, Police Station Division No.3, Jalandhar though does not displace the facts brought to the notice of the Court by learned counsel for the petitioner but has opposed the bail on the grounds of heinousness of the offence and

the fact that if allowed bail, the petitioner might stifle the investigation and trial.

Going through the submissions of the two sides, a bare perusal of the allegations contained in the FIR (Annexure P1) and statement of the victim under Section 164 Cr.P.C. (Annexure P2) only suggest that the accused petitioner has accompanied the girl. The petitioner is behind bars and culpability, if any, shall be determined at the trial which is not likely to conclude in the near future. Thus, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jalandhar. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

March 12, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No