

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

CRM-M No.15748 of 2019
Date of decision: 24th May, 2019

Sultan

... Petitioner

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Damodar Khurana, Advocate for
Mr. Nishant Raj, Advocate for the petitioner.

Mr. Ripudaman, Asstt. Advocate General, Haryana
for the respondent No.1/State.

None for respondent No.2.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Sultan in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.16 dated 15.01.2019 under Sections 363, 366A IPC pertaining to Police Station Madlauda, District Panipat have been levelled by Satnam Singh, father of a girl then aged around 15 years, alleging that in the month of January 2019, his daughter has gone away with the petitioner Sultan (also referred to as Kala) son of Raj Pal, and the latter had done so with the intention to get married with his daughter. It was consequent upon this complaint, present FIR was got registered and thereafter, the girl was recovered and the petitioner was arrested on 02.03.2019.

Learned counsel representing the petitioner Mr. Damodar Khurana, Advocate contends that the petitioner as well as daughter of the complainant were in a relationship and have undergone marriage and has sought to place reliance on the marriage certificate (Annexure P1) and the protection order (Annexure P2) dated 27.02.2019. Learned counsel has also produced and identified the victim Kavaljeet Kaur, who has tendered her affidavit to this effect.

On behalf of the State, Mr. Ripudaman, Asstt. Advocate General, Haryana does not dispute the facts that have been canvassed at the bar by learned counsel for the petitioner, but has stoutly opposed the grant of relief on the grounds of heinousness of the offence.

Appreciating the arguments of the two sides, the petitioner is behind bars for more than two-and-a-half months and the victim has appeared before this Court and filed her duly sworn attested affidavit which has been verified by this Court from the deponent herself and who has categorically stated that she has undergone marriage with the petitioner and is residing in his house, i.e. her matrimonial home. Thus, in the light of the same and the fact that trial is not likely to conclude in the near future, 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, Panipat.

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

May 24, 2019
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No