

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

**CRM M-35979 of 2019
Date of Decision: September 04, 2019**

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.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Mazlish Khan, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

The present case by way of FIR 354 dated
04.09.2018 under Sections 363, 366, 376 and 452 IPC has
been got registered by Chander Bhan on the allegations

that his wife Sarita aged around 30 years who left the house on 31.05.2018 went missing and it is on the basis of leads the accused was arrested on 29.03.2019 and the lady was recovered earlier on 15.12.2018.

Mr. Mazlish Khan, learned counsel for the petitioner, *inter alia* contends that the lady victim is a grown up mature married lady and had been in a consensual relationship and left the house on her own with the petitioner, who is quite junior to her in age and, thus, has sought to rake up the pleas that it was a consensual relationship.

Mr. Baljinder Virk, DAG, Haryana on instructions from ASI Sunita has conceded to the facts as have been canvassed at the bar by the learned counsel for the petitioner but has opposed the grant of the bail on the ground that if allowed bail, the petitioner might stifle the trial.

In the light of what has been stated at the bar by the two sides, admittedly, the prosecutrix happens to be a married grown up mature lady and had voluntarily went away with the accused and had returned back on her own and, thus, very applicability of offences under Sections 376, 366, 363 and 346 and 452 IPC are subject matter of trial. Since the petitioner is behind the bars for a long time and no useful purpose will be served by keeping the accused behind the bars and culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. This Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the

merits of the case.

Disposed off.

September 04, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No