

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

CRM-M No.34858 of 2019
Date of decision: 30th August, 2019

Jitender Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Pawan Attri, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Petitioner Jitender Singh, who is in custody since 07.05.2019 has moved this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.0043 dated 30.04.2019 under Section 365 IPC pertaining to Police Station Jhansa. The allegations against the petitioner have come about on the statement of father of a girl aged around 15 years. In the complaint, the complainant alleges that his daughter on 28.04.2019 had disappeared and suspecting that either she has been abducted or kidnapped, present case was got registered. Subsequently, the victim was recovered on 30.04.2019.

Learned counsel for the petitioner Mr. Pawan Attri, Advocate inter alia contends that in her first statement under Section 164 Cr.P.C. the victim has not named the petitioner and subsequently in the second statement under Section 164 Cr.P.C. name of the petitioner has cropped

up but no heinous offence has been committed and the petitioner is behind bars since a long time.

Learned State counsel Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana on instructions from SI Vijender Singh, Police Station Jhansa has sought to stoutly oppose the grant of bail on the grounds of heinousness of the offence, alleging that it is after a belated time, the girl has been got recovered and if allowed bail the petitioner might influence the trial.

In the light of what has been canvassed before this Court and the fact that the girl stands recovered and the contradictory stands of the victim is itself suggestive and thus, a debatable issue arises over the very legal worth of such a stand. More so, in view of the offence for which the petitioner has been hauled up and that the trial is not likely to conclude in 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, Kurukshetra. 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

August 30, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No