

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

CRM-M No.38076 of 2019
Date of decision: 12th September, 2019

Vakil Mukhia

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Jitender S. Dadwal, Advocate for the petitioner.

Mr. Harbir Sandhu, Assistant Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (O&M)

Petitioner Vakil Mukhia who is in judicial custody since 30.06.2019 has moved this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.156 dated 29.06.2019 under Sections 363, 366A IPC pertaining to Police Station City Phagwara, District Kapurthala. Present case was got registered by complainant Hari father of two minor girls aged around 14 and 12 years, alleging that on 28.06.2019 while he along with his wife had returned from their duties in the evening around 7:00 p.m. they discovered that both the girls were missing and they suspected role of the present petitioner along with his co-accused non-applicants Vikas, Guttan Rishidev and Sunil Rishidev that they have enticed the minor girls on the pretext of marriage.

Learned counsel for the petitioner Mr. Jitender Singh Dadwal, Advocate inter alia contends that there is no specific role attributed to the petitioner and the entire allegations in the FIR harbour

around mere suspicion and that the petitioner is behind bars since a long time.

Learned State counsel Mr. Harbir Sandhu, Assistant Advocate General, Punjab on instructions from ASI Sukhwinder, Police Station City Phagwara, though has not displaced the facts as canvassed by the petitioner side but has opposed the grant of bail on the grounds of heinousness of the offence, but at the same time has fairly conceded at the bar that even in their statements recorded under Section 164 Cr.P.C. the victims have not levelled any allegation against the petitioner.

Going through the submissions of the two sides, as is there in the submissions and the records, the petitioner is behind bars since a long time and a debatable issue arises over the very culpability of the petitioner in commission of the offence, for which no tangible evidence has been highlighted in the FIR. Trial is not likely to conclude in the near future, therefore, 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, Kapurthala. 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

September 12, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No