

**106+214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-4780-2019 in/and
CRM-M-61456-2018
Date of Decision : 08.02.2019

Soiab Khan @ Rakesh Kumar

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Mohd. Salim, Advocate
for the applicant/petitioner.

Mr. Baljinder Singh Virk, DAG, Haryana
for the respondent-State.

FATEH DEEP SINGH, J. (ORAL)

CRM-4780-2019

In view of the averments made in the application and in the
interest of justice, the same stands allowed.

Documents as Annexures P-3 and P-4 are taken on record.

CRM stands disposed off.

CRM-M-61456-2018

This order shall dispose off first regular bail application of
petitioner/accused-Soiab Khan @ Rakesh Kumar under Section 439 Cr.P.C
in a case bearing FIR No.281 dated 10.11.2018 filed under Sections 363,
366-A of the Indian Penal Code at Police Station Bhondsi, District
Gurugram.

The present case has been got registered on the statement of brother of an unmarried girl aged around 17 years 02 months alleging that on 08.11.2018 her sister, the victim who was residing in the rental accommodation with the complainant went missing and subsequently, it transpires that the petitioner has taken her away leading to the registration of the present case and arrest of the accused on 02.12.2018 and the same day the girl was too recovered.

Learned counsel for the petitioner submits that the petitioner as well as the sister of the complainant were in a relationship and had married against the wishes of the parents and has sought to place reliance on the photostat copies of the photographs of the alleged relationships and prays for grant of bail.

On behalf of the State, the learned State counsel, assisted by ASI Vinod, does not disputes the factual scenario though concedes the fact that as on date the girl is residing with the parents and could not in any manner displace the contention of the counsel for the petitioner and the matrimonial relationship which is evident from the photographs taken on record.

Appreciating the submissions of the two sides, the petitioner is behind the bars and without commenting on the merits of the case, it is a fit case for grant of bail to the petitioner. Thus, culpability, if any, shall be determined at the trial, this Court is of the opinion that it would serve no useful purpose to further detain the petitioner in custody. Accordingly, he is ordered to be released on regular bail to the satisfaction of the Chief Judicial

Magistrate/Duty Magistrate/Illaqa Magistrate of the Court concerned.

The petition stands disposed off accordingly.

08.02.2019
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No