

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-48747-2019 (O&M)

Date of Decision:-22.11.2019

Sehjad

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Goyal, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana,
assisted by ASI Fateh Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.450 dated 19.7.2019 at Police Station Sammalkha, Panipat under Sections 363, 366, 368, 376(2n), 153-A, 506 and 120-B of Indian Penal Code.
2. The FIR was lodged at the instance of Subhash, wherein it has been alleged that his daughter aged about 19 years went missing from home on the night intervening 18.7.2019 and 19.7.2019 and although they went searching her but she could not be found. It is alleged that upon inquiries they came to know that even Shabbir of their village was also missing and that he suspected that said Shabbir had enticed away his daughter on the pretext of marrying her and had also stolen ₹2 lacs from his house apart from earrings and jewellery.
3. The learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and is sought to be nominated as an accused on the ground

that the complainant's daughter and Shabbir had resided in his rented accommodation after having left their house.

4. Opposing the petition, the learned State counsel has submitted that the marriage certificate and an affidavit of complainant's daughter were recovered from the rented accommodation of the petitioner, which would clearly indicate his complicity in abduction of the complainant's daughter. It has, however, been informed that challan already stands presented against the accused.
5. I have considered rival submissions addressed before this Court.
6. A perusal of the FIR indeed shows that no allegation is levelled against the petitioner. In fact even when the statement of the complainant's daughter was recorded in terms of Section 164 Cr.P.C., she has not stated a word against the petitioner. The petitioner came to be nominated solely on account of recovery of marriage certificate and an affidavit of the complainant's daughter from the room where the petitioner was residing. In any case, since challan already stands present, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

22.11.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No