

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-367 of 2019 (O&M)
Date of decision : January 15, 2019

Manisha and Rahmnashi @ Rehman Ashi

....Petitioners

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Harkeerat Singh, Advocate, for the petitioners
Mr. Saurav Khurana, DAG, Punjab, for the State

Fateh Deep Singh, J. (Oral)

This order shall dispose of first regular bail application under Section 439 Cr.P.C. of accused-petitioner Manisha and Rahmnashi @ Rehman Ashi filed in case FIR No. 90 dated 24.6.2018, under Sections 363,366-A IPC, Police Station Goraya, District Jalandhar.

The brief facts brought to the notice of the Court are that the petitioners happened to be real married sisters of principal accused Navi Mohammad and the latter as per the allegations of the complainant who happens to be the father of the unmarried minor daughter aged around 16 years alleging that on 26.6.2018, the principal accused Navi Mohammad has enticed and taken away his daughter on Activa scooter bearing No. PB-08-

D-4037 and subsequently in his supplementary statement on 30.6.2018 has sought to rope in more accused having conspired with the principal accused leading to the arrest of the petitioners on 30.6.2018.

Mr. Harkeerat Singh, learned counsel for the petitioners submits that no role is attributed to the petitioners who are married sisters residing in matrimonial homes and are behind the bars since a long time and it was purely out of infatuation between the couple who have run away from their homes and that the trial is not likely to be concluded in near future.

Mr. Saurav Khurana, learned State counsel on instructions from ASI Om Parkash, Police Station Goraya, District Jalandhar has sought to oppose the grant of bail on the ground that minor girl has been enticed and taken away by the accused and in view of heinousness of crime and seriousness of allegations no cause for grant of bail is made out.

Going through the submissions, the factual scenario is not displaced by the learned State counsel. To the very specific query of the Court, with all fairness to the learned State counsel, he has conceded at the bar that there is no semblance of evidence against the petitioners in the commission of the offence. Be so as it is and without adverting to the merits else it may prejudice the case of the either party, in view of long incarceration and that the trial is not likely to be concluded in near future, no purpose will be served by retaining the petitioners in jail. Accordingly, both the petitioners are ordered to be released on regular bail to the

satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

January 15, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No