

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

CRM-M-49900-2019

Date of decision : 02.12.2019

Manish @ Monu

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J (ORAL)

Prayer made in this second petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.259 dated 13.09.2019 under Sections 363 and 366A of IPC 1860 and Section 3 of SC/ST Act, 1989, registered at Police Station Kheri Pul, Faridabad, District Faridabad.

The earlier petition, i.e. CRM-M-47276-2019 filed by the petitioner was dismissed as withdrawn, as after registration of the FIR, the offence under Section 3 of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 was added and the said section was not incorporated in the earlier petition.

Learned counsel for the petitioner while referring to the FIR states that there is no specific allegation against the petitioner and as per the FIR, accused Ranjit had enticed the daughter of the complainant,

who had left the house with clothes and ₹20,000/- with her. It is submitted that it is only on the basis of the supplementary statement of the complainant, the name of the petitioner has been incorporated. The petitioner is in custody since 10.10.2019. As per the supplementary statement the petitioner has made a call from the mobile no. 9540705428 to 9193177805. However, this mobile number does not belong to the petitioner.

Learned State counsel, on instructions from SI Shiv Kumar, submits that challan has been presented on 15.11.2019. She does not dispute the custody period of the petitioner. However, she submits that during the supplementary statement made by the complainant on 01.10.2019, the petitioner has been named in the FIR as he has made a call on the number owned by wife of the complainant, which was received by the son of the complainant.

I have heard learned counsel for the parties.

The petitioner is in custody since 10.10.2019. The conversation on the mobile number allegedly made by the petitioner is a matter to be adjudicated during the trial. Moreover, allegation, if any, is upon Ranjit Singh who enticed the daughter of the complainant and the conclusion of trial in the case is likely to take long time as no prosecution witness has been examined in the case. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

(HARI PAL VERMA)
JUDGE

02.12.2019
Dinesh

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No