

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

CRM-M-53327-2019

Date of decision:18.12.2019

SUNIL

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Ranvir Singh Arya, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana
assisted by ASI Mahabir.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.172 dated 25.2.2019 under Section 346 IPC, Police Station Panipat City, District Panipat, wherein offences under Sections 363 & 366 IPC were added later on.
2. The FIR was lodged at the instance of Bindu wherein it has been alleged that on 23.2.2019 his wife left home along with her son without informing anyone and although they had been making efforts to trace her but she could not be found.
3. It is further the case of the prosecution that subsequently when the

complainant's wife was recovered on 23.3.2019 from Railway Station Panipat, her statement was recorded in terms of 164 Cr.P.C. wherein it had been alleged that the petitioner-Sunil had enticed her away along with her son and kept her with him and that they had been roaming about here and there and that Sunil later left her at the Railway Station, Panipat.

4. Learned counsel for the petitioner has submitted that it is a case where the complainant's wife is matured lady aged about 35 years and that there is nothing on record to suggest that the petitioner had ever abducted complainant's wife. It is further been submitted that even going by statement of complainant's wife recorded in terms of Section 164 Cr.P.C., there is no element of alleged abduction on part of the petitioner as she has categorically stated that they had been roaming about here and there.
5. Opposing the petition, learned State counsel has submitted that since the complainant's wife in her statement under Section 164 Cr.P.C. had specifically stated that she had been enticed away by the petitioner, no case for grant of bail is made out. It has however been informed that the petitioner has been behind bars since last more than 8 months and no PW out of 10 cited PWs has been examined.
6. Having considered rival submissions addressed before this Court and while refraining from expressing any opinion on merits of the case and while noticing that the petitioner has been behind bars since last more than 8 months and not even a single PW out of cited 10 PWs has been examined, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the

satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

18.12.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No