

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

CRM-M-9177-2020

Date of decision:17.11.2020

Abhishek

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ravi Rana, Advocate for the petitioner.

Mr. Apoorv Garg, DAG, Haryana

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition under Section 439 Cr.P.C., the petitioner seeks regular bail in case bearing FIR No.142 dated 23.09.2017 registered under Sections 363,366-A,366,120-B IPC (Section 376 IPC and Section 4 of POCSO Act, 2012 added later on), at Police Station Saha, District Ambala.

Learned counsel for the petitioner states that earlier the petitioner was released on bail and during trial, he absconded the trial and was declared as proclaimed person by the trial Court vide order dated 09.08.2018. The petitioner was again arrested on 17.09.2019 and since then the petitioner has been in custody.

Learned counsel for the petitioner further states that as a matter of fact, the petitioner had solemnized marriage with Shilpa (sister of the complainant) and out of the said wedlock, a child was born. As far as other cases are concerned, the petitioner is on bail in the said cases.

Learned State counsel states that the present FIR was registered on the complaint of Sandeep Kumar, who is the brother of victim-Shilpa. He has not disputed the fact that Shilpa had given birth to a child and is happily residing with the petitioner in her matrimonial home.

I have heard the learned counsel for the parties.

Complainant-Sandeep has lodged the present FIR with the allegations that his sister-Shilpa had been abducted by the petitioner, whereas the fact remains that Shilpa, after having solemnized marriage with the petitioner, is happily residing in her matrimonial home with a baby in her lap.

The petitioner has been in custody since 17.09.2019. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

17.11.2020

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(HARNARESH SINGH GILL)
JUDGE

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