

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

**CRM-M-11122-2020
Decided on : 08.05.2020**

Poonam @ Poona

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Ramesh Sharma, Advocate
for the petitioner(s).

Ms. Bhavna Gupta, DAG, Punjab
assisted by ASI Sukhjinder Singh.

MANJARI NEHRU KAUL, J.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 229, dated 31.10.2019, under Sections 363, 366-A, 120-B IPC, registered at Police Station City 1 Abohar, District Fazilka.

Learned counsel for the petitioner *inter alia* contends that the FIR in question was registered at the instance of Tirath Kumar (father of the victim), wherein, it was alleged by him that on 19.10.2019 at about 07:00 P.M., his daughter went missing from his house and he suspected that she had been enticed away by one Vijay Kumar, Sukhi and Poona (present petitioner) on the pretext of getting her marriage solemnized.

Learned counsel for the petitioner *inter alia* submits that a perusal of the FIR, which was lodged after an inordinate delay of 12 days clearly reveals that totally vague and false allegations have been levelled by the complainant against the petitioner. It has also been submitted that the similarly situated co-accused i.e. Vijay Kumar and Sukhi have already been granted concession of bail and no useful purpose would thus be served by

keeping the petitioner behind bars, as the trial is unlikely to conclude in the near future.

It has been further submitted that the victim in her statement recorded under Sections 164 Cr.P.C. before the Court below did not level any allegations against the petitioner. Not only this, the victim was allegedly recovered from the custody of the co-accused Harpreet Kaur and not from the petitioner.

Learned State counsel on the other hand has vehemently opposed the grant of concession of regular bail to the petitioner, however, she has not been able to controvert the submissions of the learned counsel for the petitioner *qua* the factum of the victim having been recovered from the custody of the co-accused Harpreet Kaur and the victim having not made any allegations against the petitioner in her statement under Sections 164 Cr.P.C.

Heard.

After considering the submissions made by either side, no useful purpose would be served in keeping the petitioner behind bars, who has been behind bars since November, 2019, as the trial is unlikely to conclude in the near future. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed herein shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 08, 2020

J.Ram

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