

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14242-2020

DATE OF DECISION: JUNE 23, 2020

MANISH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. PANKAJ BALI, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP SINGH PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner Manish has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No.74 dated 27.1.2020 under Section 363, 366 IPC (Section 216 IPC added later on), P.S. Model Town, Panipat. The petitioner is in custody since his arrest on 31.1.2020.

The allegations in the FIR as observed by the Addl. Sessions Judge, Panipat in his order dated 27.5.2020 are noticed below:-

“Briefly, the facts of the prosecution case are that the complaint dated 27.01.2020 lodged by the complainant Tasleem alleging therein that he had three children. His youngest daughter i.e. the victim aged 14 years went away from the house without telling anybody on 26.01.2020 at about 06:00 AM. The description of the appearance of the victim and the details of the clothes worn by her have also been given in the complaint. Thereafter, FIR under Section 365 IPC was lodged with Police Station, Model Town, Panipat. The case was investigated by ASI Vinod. On 30.01.2020, the complainant gave supplementary statement to the effect that the Vikas @

Monu had enticed away his daughter i.e. the victim on 26.01.2020 with the intention of marrying her and that the brother namely Manish i.e. applicant-accused of Vikas @ Monu and his family members are helping him and are still doing so.”

Learned counsel for the petitioner contends that the allegations in the FIR regarding offences punishable under Section 363, 366 IPC relate to the brother of the petitioner, namely, Vikas. It is pointed out by him that the petitioner has been indicted on the basis of supplementary statement suffered by the complainant and that too for the offence under Section 216 IPC. He submits that the investigation of the case is complete and the final report was filed on 1.4.2020. According to him, in the given facts further custody of the petitioner may not be necessary, therefore, he prays that the petitioner be released on bail.

On the other hand, learned counsel for the State assisted by ASI Ramesh has opposed the prayer on the ground that the petitioner had harboured the main accused who is the brother of the petitioner. However, it is not disputed by him that the petitioner was indicted as accused for the offence punishable under Section 216 IPC. It is pointed out that the case has been committed to the Court of Sessions on 17.6.2020 and charges are yet to be framed.

Considering the above background, the custody of the petitioner and the role attributed to him, this Court does not find any reason to decline the prayer for grant of regular bail as the trial is likely to consume considerable time, in the wake of outbreak of global pandemic, namely,

COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, therefore, further custody of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

June 23, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No