

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-21344 of 2020
Date of Decision: September 14, 2020

Mani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.81 dated 08.06.2020, under Sections 363 and 366-A IPC, registered at Police Station, Maqsudan, District Jalandhar Rural. The petitioner is in custody since his arrest on 08.06.2020.

The above FIR was registered on the statement of complainant Husan Lal, wherein it was stated that he was doing the work of driver on private basis. He has two children. Elder is Narinder Kumar aged 17 years and younger to him is Alka Rani aged 15 years. Date of birth of Alka Rani is 07.10.2005 and she was studying in 9th class in Government Senior Secondary School, Nehru Garden Jalandhar. Alka used to take tuition in the neighbourhood from Jyoti daughter of Major Singh. As per routine, on 07.06.2020, he went to sleep at 10.00 p.m., and his wife and daughter Alka had also gone for sleep. Narinder Kumar went to the house of his paternal aunt. At about 11.00 p.m., all of a sudden, he woke up and saw that his

daughter Alka Rani was not present in her bed. He woke up his wife and started searching for Alka Rani, but she could not be found anywhere. He suspected that Mani, brother of Jyoti had taken away his daughter by inducing her to marry. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the victim was taking classes from the sister of the petitioner, namely, Jyoti and as per the allegations, the petitioner enticed her for marriage and abducted her. According to him, the investigation of the case is complete and the further custody of the petitioner may not be necessary. He further submits that the trial may consume considerable time, therefore, the petitioner be released on bail.

On the other hand, learned State counsel assisted by ASI Veer Singh has pointed out that the girl was recovered on the next day, i.e., on 08.06.2020 from outside a hospital. According to him, the statement of the victim was recorded under Section 164 Cr.P.C., wherein she stated that the petitioner was forcing her for marriage.

Considering the above background, custody of the petitioner and the fact that the investigation of the case is complete and the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread, this Court does not find any reason to decline the prayer. The petitioner after his arrest on 08.06.2020, is presently confined in judicial custody, therefore, his further detention behind the bars 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, Jalandhar.

The petition is allowed.

September 14, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

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