

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

228

**CRM-M-25014-2020
Date of decision: 06.10.2020**

Sajid

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Rosi, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 128 dated 15.05.2019 under Section 346 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Sector 7, IMT Manesar, District Gurugram from which Sections 346 of the IPC was deleted and Sections 342, 376, 506, 365 of the IPC were added later on.

Briefly stated the case of the prosecution is that on 15.05.2019 complainant-Naresh submitted application to SHO, Police Station Sector 7, IMT Manesar, District Gurugram. In the application Naresh alleged that marriage of his son Suraj was solemnized with the prosecutrix on 07.03.2019 as per Hindu Customary rites and rituals.

On 13.05.2019 the prosecutrix served dinner and on the next morning

when they woke up they found the prosecutrix missing with her belongings and jewellery. The above said FIR was registered under Section 346 of the IPC. The police investigated the case. During investigation the prosecutrix was recovered and her statement under Section 164 of the Cr.P.C. was got recorded on 22.05.2019. In view of her statement Sections 365, 376, 342 and 506 of the IPC were added and Section 346 of the IPC was deleted. The petitioner was arrested on 20.06.2019 who made disclosure statement implicating co-accused Akash, Deepak and Mubarak regarding their involvement in crime and recovery of Ritz car made from his possession.

The petitioner, who is in custody since 20.06.2019, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State counsel in terms of reply by way of affidavit of Dr. Hitesh Yadav, HPS, Assistant Commissioner of Police, Manesar, Gurugram filed in the Registry which is taken on record.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner has not committed any offence. No incriminating material was recovered from the petitioner. The prosecutrix left her matrimonial home on her own and there was consensual relationship between the prosecutrix and the petitioner. The prosecutrix and the petitioner performed marriage on 16.05.2019 at Arya Smaj Mandir, Faridabad. The trial is likely to take long time due to restrictions imposed to prevent spread of COVID-19.

No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

In support of her submissions learned counsel for the petitioner has submitted photographs of the prosecutrix with the petitioner, copies of the certificate of conversion and certificate of marriage and also call details of the prosecutrix and the petitioner.

On the other hand, learned State counsel has submitted that the petitioner is accused of serious offences. In view of the nature of accusation and gravity of offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the document placed on record in support of the defence that the prosecutrix left the matrimonial home at her own and performed marriage with the petitioner and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

06.10.2020
Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No