

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 8824 of 2021
Date of Decision: 01.3.2021**

Radhey Sham

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. J.S.Dhaliwal, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 0182 dated 23.12.2020 under Sections 363/366-A IPC registered at Police Station Khuian Sarwar, District Fazilka.

Learned counsel for the petitioner submits that the present FIR has been got registered by Ajay Kumar-respondent No. 2 alleging that the petitioner has enticed his sister Sunita Devi, who is already married with Sunil Kumar. He further submits that Sunita Devi had got recorded her statement under Section 164 Cr.P.C. on 26.12.2020 to the effect that she wanted to live with the petitioner, as her marriage was performed with Sunil Kumar against her wishes. Learned counsel further submits that now the matter has been compromised between the parties on 08.2.2021 and now the stand of the complainant-respondent No. 2 is that Sunita Devi had gone to her cousin's house and now she has been residing at her place peacefully.

Learned State counsel has not disputed the factum that Sunita Devi, while recording her statement under Section 164 Cr.P.C. before the Magistrate on 26.12.2020, has specifically stated that she had left the house of her own. He further submits that he has no instructions regarding the compromise effected between the parties. He further submits that challan has been presented and the case is fixed for framing of charges.

I have heard the learned counsel for the petitioner as well as the learned State counsel.

Admittedly, Sunita Devi in her statement recorded under Section 164 Cr.P.C., has stated that she had left the house of her own. The petitioner has been in custody since 27.12.2020. In the present case, challan has been presented and now the case is fixed for framing of charges. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

March 01, 2021
Gurpreet

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