

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

CRM-M- 13177-2021 (O&M)

Date of Decision: 15.07.2021
(Heard through VC)

Mukesh Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab

JAISHREE THAKUR, J. (Oral)

CRM-11683-2021

Application is allowed.

Document i.e. Annexure P-3 is taken on record .

CRM-M- 13177-2021

The instant petition has been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioner in case FIR No. 43 dated
25.02.2019 under Sections 363, 366-A of Indian Penal Code registered at
Police Station Sadar Dhuri, District Sangrur.

Learned counsel for the petitioner contends that the petitioner
has been falsely implicated in the FIR and is in custody since 07.01.2021. It

is argued that the main allegations of abducting the minor daughter of the complainant would be against one Nitin and the petitioner has been mentioned in the FIR as a person who had helped them run away. It is argued that in fact the complainant has suffered a statement to the effect that he had wrongly mentioned the name of the petitioner herein in the said FIR. It is also argued that the matter has been investigated and the challan has been presented, therefore, the custodial interrogation of the petitioner would no longer be required.

Learned counsel for the respondent-State, on instructions from the Investigating Officer opposes grant of regular bail to the petitioner, however, he does not dispute the fact that the matter stands investigated and the challan stands presented.

At this stage learned counsel for the complainant Mr. Vishal Thakur, who submits that his Power of Attorney stands filed in the Registry does not oppose the grant of regular bail to the petitioner while contending that the name of the petitioner had wrongly been mentioned in the FIR.

I have heard learned counsel for the parties and have also perused the paper book. Since the trial is likely to take some time to conclude owing to present COVID-19 pandemic situation and keeping in view the fact that the complainant has no objection in case the bail is allowed to the petitioner and having the challan been filed, no useful purpose would be served in keeping the petitioner behind bars any longer. The instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of adequate personal/surety bonds to the satisfaction of concerned trial Court/Duty Magistrate. However, any

observation made herein shall not be construed to be an expression on merits of the case.

15.07.2021
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No