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

(Proceedings through Video Conferencing)

CRM-M-27379-2021 (O&M)

Date of Decision : 10.09.2021

Rakesh Joshi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sumeet Puri, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

MANJARI NEHRU KAUL (Oral)

CRM-28550-2021

Application is allowed as prayed for subject to just exceptions.

Annexures A-1 and A-2) are taken on record.

CRM-M-27379-2021

Instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.56 dated 26.04.2021, registered under Sections 363, 366-A, 34 IPC, 1860, at Police Station Amargarh, District Sangrur.

Learned counsel for the petitioner, while inviting the attention of this Court to the allegations levelled in the FIR, has submitted that the only role attributed to the petitioner is that the taxi/cab of the petitioner was hired by the co-accused to travel with the prosecutrix aged about 17½ years to Chandigarh. Learned counsel for the petitioner has submitted that since the petitioner is plying a taxi, he could not have even remotely known about

the co-accused having enticed away the prosecutrix on the pretext of solemnizing marriage, as alleged in the FIR. In support of his submission that the petitioner was a taxi driver, learned counsel for the petitioner has intived the attention of this Court to his income tax returns (Annexures A1 and A2) wherein also the said fact stands reflected.

Per contra, learned Station counsel, while opposing the prayer of the learned counsel for the petitioner has apprised the Court on instructions that the challan stands presented. The learned State counsel has, however, not been able to controvert the fact that the only allegations levelled against the petitioner is of ferrying the two co-accused alongwith the prosecutrix to Chandigarh, after she went missing from her home.

Heard.

In view of the submissions made by learned counsel and the fact that the only challan has been presented, there is no likelihood of the trial concluding in the near future, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10.09.2021
mamta

(MANJARI NEHRU KAUL)
JUDGE

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