

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

CRM-M-34368-2021(O&M)

Date of Decision: 28.09.2021

(Heard through VC)

Ramesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. H. S. Sidhu, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. S. S. Narula, Advocate
for the complainant/respondent No. 2.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.102 dated 03.07.2021 under Sections 363, 366A, 34 IPC (Section 354 A IPC and Section 8 of the POCSO Act added later on) registered at Police Station Kot Ise Khan, District Moga.

Learned counsel for the petitioner would contend that the petitioner has been falsely implicated in the said FIR and has no role in the abduction of the daughter of the complainant. It is submitted that reading of the FIR would reflect that the daughter of the complainant while leaving the house, had taken alongwith her one gold bangle and an amount of Rs.98,000/- in cash which would indicate that she had gone on her own

will. It is also submitted that the matter has been investigated and the challan has been presented and trial is likely to take some time to conclude, therefore, custody of the petitioner would no longer be required.

Learned counsel for the respondent-State and counsel for the complainant would oppose grant of bail to the petitioner by contending that the recovery of the gold is yet to be effected which is purportedly lying with the petitioner herein but are not in a position to dispute the fact that the investigation stands completed and challan has been presented.

I have heard learned counsel for the parties and have perused the case file.

Keeping in view the fact that the matter has been investigated and the trial is likely to take time to conclude, no useful purpose would be served in keeping the petitioner behind bars any longer. As far as the allegation raised that the gold jewellery is yet to be recovered, it would be matter of trial as to who is in the possession of the said gold jewellery. Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of 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 of opinion on merits of the case.

28.09.2021

Riya

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No