

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-35954-2020

DATE OF DECISION: FEBRURY 11, 2021

RAJAT KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SANJAY VASHISTH, ADVOCATE FOR THE PETITIONER.
KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.674 dated 16.9.2020, under Section 363, 366-A, 34 IPC, Police Station Sadar, Karnal. The petitioner is in custody since his arrest on 6.10.2020.

The FIR was registered on the statement of Surender Kumar, who stated that he has three children and the eldest amongst them is Anshu, aged 17 years and studying in 11th class in village school. On dated 16.9.2020, at around 12.00 noon, Rajat Balki of Narwana allured his daughter with an intention of marriage, with his associate Rakesh and requested for legal action.

Learned counsel for the petitioner contends that the FIR was lodged by the father of the victim wherein he suspected that his daughter has been allured by the petitioner and co-accused Rakesh. Learned counsel contends that after the registration of the case, the victim was recovered on 19.9.2020, who got her statement recorded under Section 164 Cr.P.C. and

completely denied the allegations of the complainant. He has invited the attention of the Court to the said statement wherein she stated that she left the house of her own because of domestic reasons. He prays that the petitioner be released on regular bail during the pendency of the trial.

Learned counsel for the State has referred to the reply by way of affidavit of Rajiv Kumar, HPS, Deputy Superintendent of Police, Karnal, and opposed the aforesaid prayer on the ground that the complainant has specifically named the petitioner. He, on instructions, further states that the co-accused of the petitioner Rakesh has been released on bail and the investigation in the case is complete.

Considering the above background, the custody of the petitioner and the fact that the investigation of the case is complete and the trial is likely to take considerable time, therefore, further custody of the petitioner may not be justified. The petitioner is presently confined in judicial custody since 6.10.2020 and is not required for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

February 11, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No