

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

CRM-M-43016 of 2020

DECIDED ON: 16th MARCH, 2021

Shabir

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Rajesh Bansal, Advocate for petitioner.

Ms. Dimple Jain, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for grant of regular bail in case of FIR No. 0450 dated 19.7.2019 , under Sections 363, 366 of IPC, 1860 (Sections 368, 376(2) (n), 153-A, 506, 120-B IPC, 1860 added lateron), registered at Police Station Samalkha, District Panipat.

The FIR was at the instance of Subhash stating that on 18.7.2019 at about 5:00 a.m. in the morning, he came to know that his daughter aged 19 years was not in the house. It was alleged that Shabir enticed her away on the pretext of marriage. A theft of ₹1,50,000/-, ear-rings and other jewellery was also committed.

The bail application of the petitioner was rejected by the Additional Sessions Judge, Panipat, on 22.5.2020. Before this Court, petition for bail was withdrawn by the petitioner on 28.9.2020 and this is the second petition.

Learned counsel for the petitioner submits that the marriage was solemnized by the petitioner with prosecutrix on 26.7.2019. The marriage certificate is annexed with the petition. The contention is that the petitioner is in custody since 30.7.2019, challan stands presented. Prosecutrix was examined and there is no allegation of rape in her deposition. He further relies upon the fact that co-accused have already been granted bail.

Learned State counsel opposes the prayer for grant of bail. The argument is that in her statements, the prosecutrix has reiterated the allegations against the petitioner. She stated that the petitioner abducted her and forced her to solemnise the marriage in Mosque after conversion of her religion. It was further stated that the accused made her smell some intoxicating substance.

Learned state counsel vehemently argues that the petitioner is the main accused and co-accused were first time named by the prosecutrix under Section 164 Cr.P.C. by stating that the co-accused were assisting the main accused.

Considering nature of allegations against the petitioner, no case is made out for grant of bail. The prosecutrix has been consistent while making statement under Section 164 Cr.P.C. as well as while deposing before the Court. There is no alleged improvement in the version of the prosecutrix so far as the allegations against the petitioner are concerned. She has maintained her version.

The reliance of learned counsel for the petitioner on the marriage certificate and the affidavit annexed with the petition is of no

her statement dated 29.7.2019 specifically alleged that she was abducted and forced to get married. The custody of the petitioner in itself is not sufficient ground to grant bail. There is no parity between the petitioner and other co-accused.

The petition is dismissed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

16th MARCH, 2021
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>