

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

CRM-M-6399-2022

Date of decision : 21.02.2022

Tej Singh @ Teja

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rohit Mittal, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.162 dated 26.12.2020 under sections 363, 366-A I.P.C, registered at Police Station, Satnali, District Mohindergarh.

As per factual matrix of the case, the FIR in question was lodged by the complainant Charanpal son of Ramsaroop. It was alleged that he is resident of the given address and running a retail shop at his residence itself. His daughter i.e. the victim is 17 ½ years of age and she was studying in 12th class. On 26.12.2020 she disappeared from the house. It was suspected that his daughter had been enticed away by Rajesh son of Mohan Singh on the pretext of marriage. Request was made to search his daughter and take legal action against the culprit. Thereafter, victim was recovered on the same day. The petitioner was arrested on 20.03.2021. He approached the court of learned

Addl. Sessions Judge, Narnaul for the grant of bail. However, the same was declined after hearing parties vide order dated 31.05.2021. Aggrieved by the same, petitioner has approached this Court for grant of bail.

Learned counsel for the petitioner submits that petitioner is behind the bars since 20.03.2021. He submits that main accused Rajesh has already been allowed bail by this Court vide order dated 08.02.2022. The petitioner was not named in the FIR and his name figures in the disclosure statement of Rajesh, wherein, he stated that he took the victim on the motorcycle with the help of petitioner. Learned counsel further submits that the prosecution witnesses are intentionally not appearing for their depositions before the trial Court. He has further stated that the approach adopted by the victim is to delay the trial in order to keep the petitioner behind bars as long as possible. It is further contended that in the statement recorded under Section 164 Cr.P.C the victim has not levelled any specific allegation against the petitioner and hence keeping the petitioner behind bars is totally unwarranted. He further submits that co-accused Rajesh has already been granted the benefit of regular bail by this Court vide order dated 08.02.2022 in CRM-M-17954-2021.

On the other hand, learned State counsel on instructions from ASI Sneh Lata, has opposed the contentions raised by learned counsel for the petitioner. He submits that there are categorical allegations of serious offence against the petitioner. There are 13 prosecution witnesses and none has been examined so far. However, he candidly admits that despiteailable warrants, victim has not appeared before the Trial Court for her examination and the co-accused Rajesh has been allowed bail by this Court.

I have heard learned counsel for the parties at length and have gone through the record carefully.

Petitioner is behind bars since 20.03.2021. Though, the victim is a minor, however, in her statement recorded under Section 164 Cr.P.C victim has deposed that she was in love with co-accused Rajesh and neither her family members nor the family members of the co-accused were happy with their relationship and therefore both of them ran away. In all there are 13 prosecution witnesses out of them none has been examined so far. The veracity of the allegations would be evaluated by the Trial Court on the basis of evidence to be led by both the parties before it. The trial would take sufficiently long time for its conclusion and no useful purpose will be served by keeping the petitioner in custody for such a long time specially when the main accused Rajesh has already been allowed bail by this Court.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(**RAJESH BHARDWAJ**)
JUDGE

21.02.2022
m. sharma

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