

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

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**CRM-M No. 11721 of 2023
Date of Decision : 27.3.2023**

*Raghu Raj Mahajan alias Raghu Raj**..... Petitioner**versus**State of Punjab**..... Respondent*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Vishal Munjal, Advocate, for the petitioner

Mr. Kunal Vinayak, AAG, Punjab

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.291 dated 29.11.2022 under Section 346 IPC (Sections 364 and 120-B IPC added later on) registered at Police Station Division A, District Police Commissionerate, Amritsar.

2. The FIR in question was lodged on the allegations that complainant's sister was not traceable and an apprehension was expressed by him against her sister's father-in-law and her husband (petitioner herein) that the two had hidden his sister somewhere and can harm her.

3. Learned counsel for the petitioner contends that the allegations are false and have been levelled only on baseless apprehension. Besides, the complainant's sister has now been recovered. It is further contended that the petitioner's children, ten years old son and six years old daughter, are alone at home staying with his aged father, who is unable to look after them. On similar allegations, his father was granted pre-arrest bail by this Court vide order dated

27.2.2023 (Annexure P-5). The petitioner is in custody since 26.1.2023.

4. Learned State counsel, on instructions from ASI Gursahib Singh, does not dispute the fact regarding the victim's recovery. He further states that she was recovered on 25.2.2023 from village Banota (Himachal Pradesh) and was alone. Her statement under Section 164 Cr.P.C. has also been recorded stating that she left home on her own.

5. The submissions of learned counsel for the parties have been considered. Undisputedly, the victim stands recovered, who was alone at that time. In the statement recorded under Section 164 Cr.P.C. also she has not alleged anything against the petitioner. It is debatable whether the alleged offences are made out against the petitioner or not. In these circumstance, no useful purpose will be served by confining the petitioner to custody any longer.

6. Accordingly, the petition is allowed. The petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate.

(TRIBHUVAN DAHIYA)
JUDGE

27.3.2023

Ashwani

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No