

CRM-M-20857-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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Date of Decision:-02.05.2023

Yuhab @ Azoob (presently confined in Central Jail, Kapurthala)

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Arnav Sood, Advocate for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

ALOK JAIN, J. (Oral)

Prayer is for grant of regular bail to the petitioner in case FIR No. 0040 dated 17.03.2023 under Sections 366 and 376-D of the Indian Penal Code, registered at Police Station Adampur, District Jalandhar.

2. Learned counsel for the petitioner submits that the petitioner has been entangled in the present FIR just because he is a friend of the husband of the complainant who was not married at that date.

3. Subsequent to the lodging of the present FIR on 17.03.2023, the complainant had married his friend on 23.03.2023, but the petitioner just being a friend who travelled with him was entangled in FIR. He further submits that the petitioner is in custody since, 17.03.2023.

4. Custody certificate dated 01.05.2023 has been filed by learned State counsel, which is taken on record.

5. Learned State counsel does not dispute the aforesaid facts.

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6. After hearing learned counsel for the parties and the fact that the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody.

7. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- 1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- 2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- 3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- 4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

02.05.2023
Neenu/parul

(ALOK JAIN)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No