

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 208

Criminal Miscellaneous No.M-27385 of 2021
Date of Decision: April 26, 2023

Sukhi Ram

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

...

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

...

PRESENT: - Mr. Munish Kamboj, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Sherry K. Singla, Advocate for the complainant.

...

Tribhuvan Dahiya, J (Oral)

This is a petition for grant of regular bail to the petitioner in case FIR No.154 dated 29.04.2021, under Sections 363, 366-A, 341, 120-B of IPC, registered at Police Station Patran, District Patiala.

2. Briefly, the FIR was lodged on statement by girl's father Joga Ram, that his elder daughter aged 16 years, went to meet her sister on 25.04.2021 along with his son-in-law/petitioner herein. On 28.04.2021, the complainant's wife called her back for some work. While she was returning home with the petitioner on his motorcycle via *kachi patri* of canal at about 1:00 P.M. in the afternoon, Manpreet *alias* Manni came on his motorcycle and stopped the petitioner's motorcycle. He plugged off the key of petitioner's motorcycle, and the complainant's daughter went with him riding pillion on the motorcycle. Manpreet *alias* Manni threw key of petitioner's motorcycle in a ditch at far away place so that he could not follow them. All this was explained to the complainant by the petitioner. It

was further stated that Manpreet *ailas* Manni had taken away her daughter

on the pretext of marrying her.

3. Learned counsel for the petitioner contends that the petitioner, who is son-in-law of the complainant, was nominated as accused by the investigating agency on 06.05.2021 by adding the offence under Section 120-B in the case and deleting the offence under Section 341 IPC. It has been alleged that the petitioner was in touch with accused Manpreet *alias* Manni on his mobile phone. The petitioner is in custody since 08.05.2021. The trial of the case is not progressing, though investigation is complete.

4. Learned State counsel assisted by learned counsel for the complainant, on instructions from ASI Rajinder Singh, submits that challan in the case was presented on 18.08.2021, but further investigation is going on. Two dead bodies were recovered from the *Bhakra* canal on 04.05.2021. One of the bodies was identified to be that of Manpreet on the basis of identification by his father and also the DNA report. The other dead body could not be identified. He further contends that after receipt of DNA report, further investigation in the case is going on. So far, evidence in the form of call details between the petitioner and the deceased Manpreet Singh has been found, which shows the two were in touch and the petitioner helped the latter in taking away the complainant's daughter. There are sixteen witnesses of the prosecution. Case is still to be committed for trial.

5. Submissions made by learned counsel for the parties have been considered.

6. The petitioner was not named in the FIR, and the only evidence on record against him is in the form of call details between him and the main accused/deceased Manpreet Singh. Whether he is a part of conspiracy in the case is a matter of trial, which is still to commence.

Investigation of the case is complete. The petitioner is in custody since 08.05.2021, and has no criminal antecedents. In these circumstances, no useful purpose will be served by confining him to custody any longer.

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

(Tribhuvan Dahiya)
Judge

April 26, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No