

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

208+103

**CRM No.31049 of 2023 in/and
CRM-M No. 29911 of 2023
Date of Decision : 1.8.2023**

Saleem Sher Ali

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. SPS Baath, Advocate, for the petitioner

Mr. Kunal Muthreja, AAG, Punjab

TRIBHUVAN DAHIYA J. (ORAL):

CRM No. 31049 of 2023

Application is allowed. Copy of witness statement of PW-1
Alam Ali dated 16.2.2023 is taken on record.

CRM-M No. 29911 of 2023

This is second petition under Section 439 Cr.P.C. seeking
regular bail to the petitioner in case FIR No.76 dated 6.10.2022 under
Sections 365 and 458 IPC (Charges framed under Sections 365, 368, 182,
211, 195 and 120-B IPC vide order dated 5.12.2022), registered at Police
Station Chamkaur Sahib, District Rupnagar.

2. The FIR was lodged on the statement of one Billa alleging that
her husband Babu Khan abducted minor daughter of her brother Alam
Ali. The present petitioner, who is nephew of Billa, has been charged for
the alleged offences on the statement of Alam Ali, father of the minor girl,
who statedly was abducted.

3. Learned counsel for the petitioner by referring to testimony of

Alam Ali/PW-1 dated 16.2.2023 contends that he has not supported the prosecution version. He has testified that he never recorded any statement to the police regarding involvement of Billa, Sharif Ali and Salim Ali/ petitioner, who are his relatives, nor did they commit any offence. They have been implicated in the case by the police after obtaining his signatures on blank papers. It is further submitted that under similar circumstances, co-accused Saif Ali alias Sharif Ali has been granted pre-arrest bail by this Court, vide order dated 29.3.2023.

4. Learned State counsel, on instructions does not dispute the facts aforestated. He, however, submits that investigation of the case is already over, and the prosecution witnesses are being examined. The petitioner is in custody since 16.3.2023

5. Submissions made by learned counsel for the parties have been considered. The complicity of the petitioner in the case is a matter of trial which will take some time to conclude. He is in custody for more than four months; and nothing is to be recovered from him, nor there is any apprehension of his threatening the witnesses or influencing the trial. Therefore, no useful purpose will be served by keeping the petitioner in 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 concerned.

(TRIBHUVAN DAHIYA)
JUDGE

1.8.2023

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No