

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.60382 of 2023

Date of decision: 21.12.2023

Amit

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Himanshu Chhabra, Advocate,
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

MANISHA BATRA, J.

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
236	26.05.2023	Narnaund, District Hisar	363, 366-A and 34 of Indian Penal Code, 1860

2. The brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 26.05.2023 on the basis of written complaint submitted by complainant “R” (name withheld) alleging therein that he had been doing labour work along with his mother Sharifa Devi and used to live in the Brick Kiln itself along

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with his sister and mother. His cousin Mahender also worked and lived in the same Brick Kiln with his family. The petitioner Amit and Aadesh had also been working in the same Brick Kiln. He alleged that on 25.05.2023, the petitioner along with his friend Tilku @ Raj Tilak enticed away his sister as were as daughter of Mahender, who had also been working and living in the same Brick Kiln on the pretext of performing marriage with them. He prayed for taking action against the culprits. Investigation proceedings were initiated. The sister of the complainant and daughter of his cousin brother Mahinder were recovered from Railway Station, Jind on 26.05.2023 while they were in custody of the petitioner. The petitioner was arrested. Investigation has since been completed.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he is in custody since 27.05.2023. His custodial interrogation is no more required. Trial is likely to take considerable time. The co-accused Aadesh whose case is on similar footing has since been extended benefit of bail by the trial Court. In their statements recorded under Section 164 of Cr.P.C. the victims had stated that they have voluntarily gone to Jind and had not stated that they were taken away by the petitioner. The subject offences have not been made out against the petitioner. No useful purpose would be served by keeping him in custody. Therefore, it is argued that he deserves to be given concession of bail.

4. Status report dated 19.12.2023 filed by the learned State

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counsel, is taken on record. The bail application has been resisted by the State in terms of status report filed by it. Learned State counsel has argued that there are serious allegations against the petitioner. Minor sister of the complainant and daughter of his cousin brother were recovered from the custody of the present petitioner and co-accused Aadesh. There were chances of petitioner's intimidating the witnesses if extended benefit of bail. Hence, it is argued that he does not deserve to be given concession of bail.

5. I have heard learned counsel for the petitioner and learned State counsel and I have gone through the record.

6. The petitioner along with the co-accused Tilku alias Ram Tilak is alleged to have induced the minor victims and is alleged to have taken away on the pretext of marriage. The victims were recovered from his custody. However, in their statements as recorded under Section 161 of Cr.P.C. as well as under Section 164 of Cr.P.C., they did not say that the petitioner had any hand in their kidnapping/abduction and there was any inducement on his part. The investigation has since been completed. Trial is likely to take time. The petitioner is in custody for about a period of seven months. No useful purpose would be served by keeping him in custody any more. The well settled proposition of law is that bail is the rule and jail is an exception.

7. Keeping in view the nature of the subject offences, the period spent by the petitioner in custody and on the ground of parity but without

meaning to make any comments on the merits of the case, I am of the considered view that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be admitted to bail subject to her furnishing personal as well as surety bonds to the satisfaction of the learned trial Court concerned.

21.12.2023	(MANISHA BATRA)
Parveen Sharma	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No