



Sr. No.208

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

CRM-M-285-2024

Date of decision: 06th August 2024

SHEHZAAD

.....Petitioner

versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. B.S. Saroha, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana,
assisted by ASI Kashmiri Lal.

None for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.116 dated 22.05.2022, under Section 346 IPC, 1860 (Sections 328, 376 IPC added later on and charges framed under Sections 328, 376(2)(n), 376(2)(k) and 346 IPC, 1860), registered at Police Station Jhansa, District Kurukshetra.
2. As per office report, service is complete, however, none has put in appearance on behalf of respondent No.2.
3. Learned State counsel has filed status report dated 01.08.2024, by way of affidavit of Sh. Ram Kumar, HPS, Deputy Superintendent of Police, Shahabad, Kurukshetra, District Kurukshetra, on behalf of respondent-State of Haryana as well as custody certificate of the petitioner dated 03.08.2024, reflecting his period of custody as 02 years 01 month and 17 days, which are taken on record.



4. I have heard learned counsel for the petitioner and the learned State counsel and perused the paper book as well as the status report filed on behalf of respondent-State of Haryana.
5. The case was registered at the instance of the grandmother of the prosecutrix with the allegations that on the intervening night of 21/22.05.2022, the prosecutrix, aged 19 years, left her house without informing anybody and she also took Rs.20,000/- and some jewellery along with her. During the investigation, on 22.05.2022, the prosecutrix was recovered from the house of her maternal uncle. The prosecutrix has not named the petitioner in her statement recorded under Section 164 Cr.P.C on 23.05.2022. Initially, 03 accused were declared innocent by the Investigating Officer, however, they were subsequently summoned by the trial Court and the said 03 accused are stated to have been granted the concession of anticipatory bail.
6. The petitioner is in custody for a period of 02 years 01 month and 17 days, as per the custody certificate dated 03.08.2024. Investigation is complete. As per the status report, there are total 16 prosecution witnesses, out of which, 08 prosecution witnesses are yet to be examined. Conclusion of trial is likely to take time. In such circumstances, the petitioner is able to make out a case for releasing him on bail since he cannot be kept in custody for an indefinite period.
7. Consequently, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
8. Pending miscellaneous application(s), if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

06th August 2024
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