

**Sr. No.218****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRA-S-697-2024 (O&M)****Date of decision: 06th November 2024****MANOJ KUMAR****.....Appellant****versus****STATE OF HARYANA AND ANOTHER****.....Respondents****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Shamlal Saha, Advocate
for the appellant.

Mr. Kirpal Singh Thakur, AAG, Haryana, with
Mr. Vijesh Sharma, Addl. A.G., Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present appeal has been filed assailing the order dated 29.01.2024, passed by the learned Additional Sessions Judge, Karnal, whereby, the concession of regular bail has been declined to the appellant in FIR No.397 dated 24.10.2023, under Sections 346, 376(2)(n), 506 IPC, 1860 and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Butana, District Karnal.

2. As per the office report dated 25.04.2024, notice issued to respondent No.2 was served through her sister. Service is complete.

3. Learned counsel for the appellant contends that the appellant has been falsely implicated in this case. He is in custody since 05.12.2023.

4. Learned State counsel has filed custody certificate of the appellant dated 15.10.2024, reflecting his actual period of custody as 10 months and 11 days, which is taken on record.



5. I have heard the learned counsel for the parties and perused the relevant documents.

6. Both the appellant and the prosecutrix are major. As per the statement of the prosecutrix recorded under Section 164 Cr.P.C., the appellant and the prosecutrix were known to each other. They went to Chandigarh, from where, they went to Jammu. The prosecutrix has stated that she went along with the appellant with her own free will as the appellant had told her that he would solemnize marriage with her.

7. Investigation is complete. Final report/challan under Section 173(2) Cr.P.C. has been presented before the trial Court on 09.01.2024, as per the status report dated 19.03.2024 and charges have also been framed. There are total 23 prosecution witnesses. Conclusion of trial is likely to take some time. No useful purpose would be served by keeping the appellant in custody during trial.

8. Without expressing anything on the merits of the case and keeping in view the above facts, the present appeal is allowed. The order dated 29.01.2024, passed by the learned Additional Sessions Judge, Karnal, is set aside. The appellant 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.

9. Pending miscellaneous application(s), if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

06th November 2024
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