

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

215

CRM-M-51142-2023

Date of decision: 19.01.2024

Manisha

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Parveen Sharma, Advocate for the petitioner.
Ms. Priyanka Sadar, AAG Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.230 dated 25.04.2022, registered for the offences punishable presently under Sections 363, 366-A, 506 and 201 read with Section 34 IPC is stated to have been erroneously mentioned in the impugned order dated 16.08.2023 at Police Station Civil Lines, District Sonipat.

2. The case set up in the FIR in question is as follows:-

“To, The Incharge, Police Post Old City Sonipat. Sir, It is submitted that I, Naresh Duggal, son of Meer Singh, am resident of Dhanak Basti, Street No. 17, Sonipat. I have two daughters and one son. My elder daughter is married. My younger daughter Neha is aged 16 years. Today, in the afternoon at about 02:00 PM, I came to home and saw that my daughter Neha was not at home. On many occasions, I had seen my daughter Neha conversing on phone with one boy Ankush son of Vijay resident of Gangana. The said boy Ankush with an intention to marry with my daughter Neha, allured her and took her away. The description of Neha is as follows: Colour Sanwla (dark skinned), tall face, thin & swift body, mark on left cheek, height 5 feet, age 16 years, Class 5th, wearing dark colour Kurta and Palazzo and wearing blue colour slippers in her feet.

The search of my daughter Neha may kindly be conducted and legal action may kindly be taken against the said boy. Sd/- Naresh 96718-85495”

3. At the outset, learned counsel for the petitioner contends that co-accused Ankush, who has been specifically named in the FIR by the complainant, has been granted the concession of bail by learned Principal Magistrate Juvenile Justice Board Sonipat, vide order dated 03.08.2022, Annexure P-4, while the petitioner, whose case is on much better footing, is languishing in jail.

3.1 On merits, learned counsel for the petitioner has argued that the petitioner was arrested on 10.05.2022; thereafter investigation was carried out and challan stands presented. Learned counsel has further argued that the case arises out of love affair between the prosecutrix and the co-accused Ankush, which was not to the liking of the family of prosecutrix. Learned counsel has further argued that the only allegation against the present petitioner-Manisha is that she had forcibly taken the prosecutrix to Rewari and had got her forcibly married with co-accused Ankush. Thus, learned counsel for the petitioner has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. As per custody certificate dated 19.05.2024, the petitioner is in custody since 10.05.2022 and is not shown to be involved in any other case. The petitioner, is a young lady aged 22 years and is on the cross-roads of her career, which would forever jeopardize her future. The rival contention of

learned counsel for the parties as to whether the FIR is outcome of love relationship between Ankush (co-accused) and the prosecutrix will be gone into during the course of trial. This Court does not deem it appropriate to delve deep into the rival contentions, at this stage, lest it may prejudice the case of either parties. No tangible material has been brought forward to indicate the likelihood of the petitioner fleeing from the process of law or interfering with the remaining prosecution evidence. In considered opinion of this Court, in the facts and circumstances of the case, further detention of the petitioner is not warranted.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent herself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit her passport, if any, with the trial Court.
- (vi) The petitioner shall give her cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change her cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

CRM-M-51142-2023

4

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

January 19, 2024
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No