

2024:PHHC:010575
**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

218 CRM-M-63835-2023
Date of Decision: 25.01.2024

AmandeepPetitioner

Versus
State of HaryanaRespondent

CORAM: HON’BLE MR.JUSTICE SUMEET GOEL

Present:- Mr.S.K. Bishnoi, 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.0091 dated 27.04.2023, registered for the offences punishable under Sections 346, 363, 366, 376, 451 of IPC, at Police Station Ding, District Sirsa, Haryana.
2. The case set up in the FIR in question is as follows:-

“To, SHO police station Ding. Sir it is submitted that I am Devi Lal son of Amar Singh resident of Jodhkan. I do labour work. My age is about 55 years. I have six children, out of them four are daughters and two sons. My daughter Namel Ashina ie Daughr of Devi Lal, who is younger than two daughters, in the night of 26.04.2023 she has gone somewhere in nigh without telling anything to anyone. Either my daughter has hidden herself or someone has hidden her. The look of my daughter is: aged about 20 years, height about 5 feet, fair complexion, face (Choras) not round, round eyes, having earrings in her ears, nose pin, and

green colour dress. He is wearing sandals in her feet. By now we have searched her in all our relatives and in neighbours, but she is not traceable. Therefore today on 27.04 2023 I came to police station and presented the present application at police station Ding. My daughter Ashina please be searched. Sd/- Devi Lal son of Amar Singh resident of Jodhkan, Mobile No. 9912225426. on receipt of the complaint offences under section 346 IPC was made out and the case was registered accordingly.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 09.05.2023 wherein after completion of investigation, challan stands presented & trial is underway. Learned counsel for the petitioner has referred, *in extenso*, to the statement of the prosecutrix recorded by the police on 26.06.2023, to argue that there was a consensual relationship between the petitioner and the prosecutrix & the present FIR has been got lodged by her on account of pressure from her family members since the relationship was not to the liking of the family members of the prosecutrix. Thus, he submits that petitioner be enlarged on regular bail.

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

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

6. The accused is in custody since 09.05.2023; as per the custody certificate dated 24.01.2024, the accused has suffered incarceration for more than 8 months & is not shown to be involved in any other case. The rival contentions of learned counsel for the parties regarding the petitioner

& prosecutrix having consensual relationship shall 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 before this Court to indicate likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. Hence, in considered opinion of this Court, further detention of the petitioner is not warranted.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his 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 himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his 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.

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 25, 2024
poonam

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>