

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****324****CRM-M No.72 of 2024 (O&M)  
Date of Decision : 24.04.2024**

Maan Maninder Singh @ Sunny

.....Petitioner

VERSUS

State of Haryana and Another

.....Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Vikram Rathore, Advocate for the petitioner.

Mr. Saurabh Girdhar, AAG Haryana.

**ALKA SARIN, J. (Oral)**

1. This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.393 dated 19.12.2022 under Section 346 of the Indian Penal Code, 1860 (Sections 120-B, 201, 343, 363, 366-A, 370, 370-A, 420, 467, 468, 34 and 506 IPC and Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 were added later on) registered at Police Station City Pehowa, District Kurukshetra.

2. The first petition being CRM-M-28523-2023 filed by the petitioner was dismissed as withdrawn vide order dated 02.11.2023.

3. The brief facts relevant to the present case are that the complainant gave a complaint on the basis of which FIR No.393 dated 19.12.2022 was registered under Section 346 IPC, wherein she alleged that her daughter had gone missing from the house on 18.12.2022 at about 03.00 pm without telling anyone. Thereafter, her supplementary statement was

recorded on 31.12.2022 and 18.01.2023 wherein it was alleged that she suspected that the present petitioner alongwith co-accused, namely, Vijay Kumar, had kidnapped her daughter on 18.12.2022 in car bearing registration No.HR-10Y-1505. On the basis of said supplementary statement, Section 346 IPC was deleted and Sections 363 and 366-A IPC were added in the case. On 11.01.2023 the car bearing registration No.HR-10Y-1505 was recovered from the house of the petitioner which is the same car which has been mentioned by the complainant in her supplementary statement. On 18.01.2023 the present petitioner alongwith the victim surrendered before the Police Station Siwan, District Kaithal. The statement of the victim was recorded under Section 164 CrPC, however, she refused to get herself medically examined. Further case is that the victim was got married to the co-accused, namely, Vijay Kumar, who has since been granted the concession of bail by the Trial Court vide order dated 22.09.2023.

4. Learned counsel for the petitioner would contend that there is no allegation qua the petitioner regarding molestation or otherwise and infact the victim is stated to have been got married to the co-accused, Vijay Kumar, who has since been granted the concession of bail. Learned counsel for the petitioner would further contend that the petitioner has been in custody for a period of 01 year 03 months and 01 day. It is further the contention that the statement of the victim has since been recorded, however, the trial is progressing slowly.

5. *Per contra* learned State counsel has referred to the status report filed by way of affidavit of Mr. Rajat Gulia, Deputy Superintendent of Police, Pehowa, District Kurukshetra. Learned State counsel is not in a position to deny the fact that the victim had refused to get herself medically examined.

6. Heard.

7. In the present case the petitioner has been in custody for a period of 01 year 03 months and 01 day. Statement of the victim has already been recorded. The allegations in the present case are of kidnapping. It is further the case that the victim had got married to co-accused, Vijay Kumar, who has since been granted the concession of bail vide order dated 22.09.2023. The victim on being recovered had refused to get herself medically examined. Out of total 28 prosecution witnesses only 05 have been examined and 23 witnesses are yet to be examined.

8. In view of the above and without commenting upon the merits of the case and keeping in view the fact that the conclusion of trial is likely to take some time and no useful purpose would be served by keeping the petitioner behind bars, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

9. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

10. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

11. Disposed off. Pending applications, if any, also stand disposed off.

( ALKA SARIN )  
JUDGE

24.04.2024

jk

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO