



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M-56725-2024 (O&M)
Date of decision: 07.02.2025

SUHAIL AHMAD ALIAS GULLU MALIK

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Gaurav Gupta, Advocate
for the petitioner.

Mr. Rahul Dev Singh, Addl. A.G., Haryana.

HARPREET KAUR JEEWAN, J.

1. The present petition has been filed under Section 483 BNSS for grant of regular bail to the petitioner in case bearing FIR No.390 dated 06.08.2023 (Annexure P-1) under Section 346 IPC (Sections 323, 506, 376 IPC added later on), registered at Police Station Adarsh Nagar, Faridabad, District Faridabad.
2. As per the custody certificate, the petitioner has undergone 01 year, 05 months and 27 days of actual custody.
3. The FIR was registered on the basis of a missing report filed by the husband of the prosecutrix. It was alleged that on 04.08.2023, at about 08.30 a.m., the wife of the complainant had left their house on the pretext of going for her job and also to drop their son to his school but both of them neither reached to



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school/job nor returned to the house till evening. As such, the FIR was registered under Section 346 IPC. Later on, the prosecutrix and her minor son were recovered on 08.08.2023. The statement of the prosecutrix was recorded and thereafter, Sections 376, 323 and 506 IPC were added in the FIR.

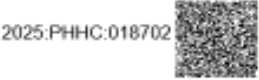
4. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case and he is in custody since 09.08.2023. He further contends that the prosecutrix is 29 years of age and mother of a minor child. He submits that the prosecutrix has not supported the prosecution case during her testimony recorded on 23.10.2024 (Annexure P-3). He further submits that the petitioner is not involved in any other case.

5. Learned State counsel opposes the grant of bail on the ground that the prosecutrix has supported the case of the prosecution in her statement recorded under Section 164 Cr.P.C., however, he has confirmed that all the material witnesses have been examined and only 4 witnesses are left to be examined.

6. I have heard learned counsel for the parties and have also gone through the paper-book.

7. The investigation is already complete. The final report ('*challan*') under Section 173 Cr.P.C. has already been presented before the trial Court. The prosecutrix has not supported the case of the prosecution in her statement recorded during the trial. The petitioner is in custody for a period of 01 year 05 months and 27 days. The conclusion of the trial is going to take time. There is no apprehension of absconding of the petitioner during the trial. As per the custody certificate, the petitioner is not involved in any other case.

8. Keeping in view the above facts and circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on



regular bail, subject to his furnishing adequate bonds and surety bonds to the satisfaction of the trial Court concerned.

9. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

(HARPREET KAUR JEEWAN)
JUDGE

07.02.2025
P.Bhatt

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