

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Misc. No. M-12646 of 2015
Date of decision : 03.07.2015**

Rajwinder Singh

..... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. Ashish Aggarwal, Advocate
for petitioner.**

Mr. Deep Singh, AAG Punjab.

ANITA CHAUDHRY, J.

The petitioner is seeking regular bail in FIR No. 167 dated 18.10.1999, registered under Sections 354, 380 and 427 IPC read with Section 34 IPC, Police Station Sultanwind, District Amritsar and in criminal complaint bearing No.192 dated 23.12.1999, filed under Sections 376 read with Section 511 IPC, 313, 354, 380, 427, 506 and 34 IPC.

Initially, the FIR was got registered by complainant Gangandeep Kaur against the petitioner, his father Dalip Singh and father's brother Pritam Singh. Dis-satisfied with the provisions invoked by the investigating agency against the accused, the complainant filed a criminal complaint, in which the Court summoned the accused, including the petitioner under Sections 376 read with Section 511, 323 and 354 IPC. Both the cases were clubbed together vide order dated 18.11.2006.

It is apposite to mention here that Dalip Singh had died during the trial while Pritam Singh was acquitted on account of non-appearance of complainant in the witness-box vide judgment dated 05.10.2007.

Learned counsel for the petitioner has urged that the petitioner was earlier granted bail in this case and the matter was compromised between the parties and the petitioner went abroad in the year 2006 and did not face the trial and was declared a proclaimed offender on 05.04.2006. Coming to know about this fact, the petitioner returned to India and surrendered before the Court on 04.02.2015 and since then he is in custody. He has further submitted that the petitioner has only been charge-sheeted under Section 380 IPC and the learned Addl. Sessions Judge, Amritsar has transferred the case to the Court of Chief Judicial Magistrate for trial.

Learned State counsel has not disputed that the petitioner has been charged only for the offence under Section 380 IPC by the Court and he is in custody since 04.02.2015.

The offence for which the petitioner has been charge-sheeted is triable by the Magistrate. The trial would take time to complete. Co-accused of the petitioner has already been acquitted by the trial Court. He is in custody for the last about five months. Without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail in both the cases, which are clubbed together, on his furnishing adequate bonds to the satisfaction of the trial Court.

July 03, 2015
Jiten

(ANITA CHAUDHRY)
JUDGE