

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

CRM-M-22734 of 2015

Date of decision: July 23, 2015

Amritpal Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Kamaljeet Singh Sandhu, Advocate
for the petitioner.

Mr. R.P.S. Sidhu, AAG, Punjab
for the respondent-State.

Mr. Surinder Garg, Advocate
for the complainant.

JASPAL SINGH, J.

Petitioner-Amritpal Singh has preferred the instant petition under Section 439 of Cr.P.C. seeking regular bail, during pendency of the trial, in case FIR No.03 dated 13.01.2015, under Sections 363, 366-A of IPC (later on added Sections 376, 109 IPC) registered at Police Station Dyalpura, District Bathinda.

The instant case was registered on the basis of the statement of Phull Singh son of Harchand Singh (father of victim) who has unfolded that his daughter, a student of 8th standard has been allured by Mintu Singh on the pretext of marriage on the intervening night of January 11/12, 2015. Thereafter, Mintu Singh was arrested on January 21, 2015 along with petitioner-Amritpal Singh and his wife Jaswinder Kaur. From their possession, minor girl (victim) was allegedly recovered. Offence under Section 376 IPC was also added vide DDR No.25 dated January 21, 2015. Victim was also presented before the Judicial Magistrate Ist Class, Phul, whereby, her statement under Section 164 Cr.P.C. was reduced into

writing by Judicial Magistrate Ist Class, Phul. She did not attribute any allegations either to the petitioner-Amritpal Singh or his wife Jaswinder Kaur and she specifically deposed that Amritpal Singh-petitioner and his wife Jaswinder Kaur have no fault at all and further that she had left with Mintu Singh (non-applicant) at her own wish and free will.

However, petitioner and his wife were nominated as an accused in this case on the basis of statement suffered by Harmander Singh (Taxi Driver) to the effect that petitioner and his wife hired his Taxi and they took minor (victim) in his Taxi to Rajasthan. From the contents of the statement of Harmander Singh as well as the statement of victim recorded under Section 164 Cr.P.C, at the most, it can be said that petitioner facilitated to entice away the victim by his co-accused Mintu Singh. There is no attribution of any allegation falling within the purview of Section 376 of the IPC qua the petitioner. Petitioner was arrested in this case on January 21, 2015 and since then he is suffering incarceration. He is also no more required for the custodial interrogation as he has already been remanded to judicial custody. The presentation of challan and conclusion of the trial is also likely to take sufficient long time. Thus, no useful purpose will be served by keeping the petitioner behind the bars for an indefinite period.

Accordingly, petition is allowed and petitioner is ordered to be released on bail at the satisfaction of the concerned trial Court/Duty Magistrate on his furnishing bail bonds/surety bonds.

However, any observation made in this order shall have no bearing on the merits of the main case.

July 23, 2015
m. sharma

(JASPAL SINGH)
JUDGE