

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

CRM No.M- 2998 of 2015(O&M)

Date of Decision: February 4, 2015.

Harjeet Singh @ Pinta

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Narinder S.Lucky, Advocate
for the petitioner.

Mr. K.S.Sidhu, DAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.132 dated 09.12.2013, under Sections 376/363/366A/392/354/506/323/34/120B IPC, registered at police station Nihal Singh Wala, District Moga.

As per the prosecution, the petitioner had been instrumental in abducting the victim alongwith the other co-accused. There are no allegations constituting an offence punishable under Section 376 IPC qua the petitioner.

It is submitted that petitioner has been falsely implicated in this

case. In fact, alleged victim – Satvir Kaur had solemnized marriage with co-accused Harwinder Singh @ Happy out of her own free will and volition though without the consent of her parents. Learned counsel for the petitioner refers to the statement of Satvir Kaur, now aged 19-1/2 years, made before the trial court (Annexure P2) to contend that she has not supported the prosecution version. She has deposed that she had solemnized marriage with co-accused Harwinder Singh @ Happy out of her own free will and volition. She was not kidnapped from the hospital at Nihal Singh Wala. It is informed that alleged victim – Sukhvir Kaur also has a child of about 7/8 months.

Learned counsel for the State is unable to refute the factum of the alleged victim not supporting the prosecution version. Though marriage of Satbir Kaur with Harwinder Singh @ Happy is verified, there is no information regarding the child born out of this wedlock.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances of the case, as mentioned above, no useful purpose would be served by incarceration of the petitioner any longer. He is in custody since 20.12.2013. The alleged victim has not supported the prosecution version. She has specifically stated that she was never kidnapped by the petitioner.

In view of the above but without commenting or expressing any opinion on the merits of the case, this petition filed by Harjeet Singh @ Pinta is allowed. Petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the Trial

Court.

None of the observations made hereinabove shall not be construed to be a reflection on merits of the case and shall have no bearing on trial.

February 4, 2015.
'om'

(**LISA GILL**)
JUDGE