

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

**CRM-M No.38896 of 2015 (O&M)
Date of Decision: 07.12.2015**

Surinder Kumar

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Munish Bhardwaj, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State along with ASI Gurmeet Ram.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail to the petitioner in case FIR No. 193 dated 06.07.2013, under Sections 363 and 366 of the Indian Penal Code and (Section 376, IPC added later on), registered with Police Station Nakodar, District Jalandhar City (**Annexure P-1**).

As per the allegations, even in the statement of the prosecutrix under Section 164 Cr.P.C. against the present petitioner, are that of being one of the occupants of the Car in which she had been kidnapped. There is no other overact attributed to him.

It is contended that rest of the co-accused have been acquitted of the offence of rape while convicted for offences under Sections 365 and 342, IPC and the sentence reduced to undergone by this Court.

The proceedings against the petitioner could not be completed earlier since he was declared proclaimed offender on 22.04.2014.

The petitioner is stated to be 55 years of age and is now concededly in custody since 21.05.2015 and also facing trial.

Learned State Counsel, on instructions from ASI Gurmeet Ram, does not refute the aforesaid factual position.

Without commenting on the merits of the case, keeping in view the custody period and the facts as noticed above, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Jalandhar.

Disposed of.

December 07, 2015

Gagan

**(JASWANT SINGH)
JUDGE**