

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.508 of 2015

Date of Decision:14.01.2015

Avtar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.Vaibhav Sehgal, Advocate,
for the petitioner.**

**Mr.Jaspreet Singh Sekhon, Assistant Advocate General,
Punjab, for the respondent-State.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him, vide FIR No.95 dated 27.08.2013, on accusation of having committed the offences punishable under Sections 363/366-A IPC, by the police of Police Station Division No.4, District Ludhiana.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the entire matter deeply, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Precisely, the prosecution, *inter alia*, claimed that on 26.08.2013, victim Shveta, daughter of complainant-Ramawati, had gone

to school with her sister Bharti as usual. She neither attended the school nor returned to her house on that day. Therefore, on the basis of suspicion, the complainant reported the matter to the police that she has full faith that her daughter Shveta was enticed away by the petitioner, with the intention to marry her. As per statement(Annexure P-2) of victim Shveta, recorded under Section 164 Cr.P.C. by the Magistrate, she travelled with the petitioner to Bathinda, but they returned back home on the next day safely. No other specific role or particular part is attributed to him. In that eventuality, as to whether the penal provisions of Sections 363/366-A IPC, are attracted to the facts, relatable to the case of the petitioner or not, *inter alia*, would be a moot point to be decided after receipt of evidence of the parties during the course of trial by the trial Court.

5. Be that as it may, the petitioner was arrested in this case on 28.08.2013. Since then he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. The conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the peculiar facts and special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the

trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the main case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

January 14, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE