

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-3951 of 2016

DATE OF DECISION: 24.02.2016

Balwinder Kumar @ Bobby

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
2. **To be referred to reporters or not? (Yes/No)**
3. **Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. RK Arya, Advocate
for the petitioner.

Mr. T.N. Sarup, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 59 dated 16.8.2015 registered under Sections 366-A,368,342,120-B IPC at Police Station Sadar Gurdaspur, District Gurdaspur.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, no such incident has occurred. The petitioner never kidnapped the daughters of the complainant. Learned counsel further contends that out of total 14 prosecution witnesses, three have been examined and the complainant as well as victim have not supported the case of the prosecution. The petitioner is in custody since 18.8.2015 and no purpose would be served by

keeping him behind the bars.

Learned counsel for the respondent-State submits that he has also gone through the statements of the prosecution witnesses, who have been examined so far and has also not disputed the submissions made by learned counsel for the petitioner that they have not supported the case of the prosecution.

Heard the arguments advanced by learned counsel for the parties and have also gone through the allegations levelled in the FIR and other documents available on the file.

Keeping in view the submissions made by learned counsel for the petitioner and also the fact that the victim and the complainant have not supported the case of the prosecution; all material witnesses have been examined; the petitioner is in custody since 18.8.2015; trial may take some time in final conclusion; no purpose would be served by keeping him in custody and moreover co-accused of the petitioner, namely, Swinder Singh and Kashmir Singh have already been released on bail, the present petition is allowed. Petitioner, namely, Balwinder Kumar @ Bobby is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

February 24, 2016
pooja

(DAYA CHAUDHARY)
JUDGE