

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

Crl. Misc. No.M-7840 of 2016

Date of Decision: 25.05.2016

Kulwant Singh alias Kanta

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the 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. Bir Davinder Singh, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. A.G., Punjab
for the respondent-State.

Mr. K.S. Brar, Advocate
for the complainant.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.56 dated 14.04.2015 registered under Sections 406 and 420 IPC and offence under Section 376 IPC, which has been added later on.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, no allegation of Section 376 IPC is there against him. The FIR, in question, was registered after delay of six years and that delay has not been explained. Petitioner is neither beneficiary nor any transaction with regard to payment has been

done by him. Simply, it has been mentioned that the petitioner was instrument in the marriage. Even no allegation is there that any payment was received by the petitioner or he was instrument in the commission of offence under Section 376 IPC. Learned counsel also submits that a compromise has been arrived at between the parties and the complainant is not interested in pursuing the case. Co-accused of the petitioner, namely, Baljit Singh, Jaswinder Kaur @ Jaswinder Kaur, Angrej Singh and Ravindjot Singh have been released on anticipatory/regular bail. Petitioner is in custody since 19.01.2016 and no useful purpose would be served, in case, he is kept behind bars.

Learned counsel for the complainant has also affirmed the factum of compromise.

Learned counsel for the respondent-State has not disputed the custody period as well as release of co-accused on anticipatory/regular bail as mentioned above.

In view of the submissions made by learned counsel for the petitioner and by considering the role and also the fact that other co-accused, as mentioned above, have been released on anticipatory/regular bail; the petitioner is in custody since 19.01.2016; investigation has been completed and challan has been presented; trial may take long time to conclude and no purpose would be served, in case, he is kept behind bars, the present petition is allowed. The petitioner, namely, Kulwant Singh alias Kanta is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of trial Court.

(DAYA CHAUDHARY)
JUDGE

25.05.2016
gurpreet