

Criminal Misc. M- No. 16361 of 2017 (O&M)

Date of decision : May 26, 2017

Bhupinder Singh @ Bhinda

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Deep Singh, AAG, Punjab.

Mr. Prateek Pandit, Advocate for the complainant.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 78 dated 23.03.2017 registered under Sections 363, 366A, 376 IPC, Sections 3, 4 of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Sections 67, 67A of Information Technology Act, 2000 were added later) at Police Station Women Nakodar, District Jalandhar.

It is submitted that similarly situated co-accused namely Sukhpal Singh and Sukhwinder Singh @ Sukha have been afforded the concession of anticipatory bail by this Court in CRM-M No. 12623 of 2017 and CRM-M No. 16330 of 2017, respectively.

The petitioner, it is submitted, is not named in the FIR. His name figures in the statement of the victim under Section 164 Cr.P.C. recorded on 28.03.2017 i.e. nearly a week after the alleged occurrence. The above said FIR has been registered on a complaint made by the father of the victim after she returned home. Therefore, there is no reason as to why the present petitioner was named at the very outset. It is only due to political

rivalry in the village that the petitioner has been falsely implicated in this case. Furthermore, the medical evidence reveals that there were no injuries on the person of the alleged victim. Learned counsel for the petitioner submits that no case under The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act is made out against the petitioner. Furthermore, there is no distinction in the role attributed to the present petitioner and to the co-accused Sukhpal Singh and Sukhwinder Singh @ Sukha. It is, thus, prayed that this petition be allowed.

Learned counsel for the State is unable to deny that the concession of anticipatory bail stands granted to the co-accused Sukhpal Singh and Sukhwinder Singh @ Sukha by this Court. He is unable to point out any distinction in the role attributed to the present petitioner from that of Sukhpal Singh and Sukhwinder Singh @ Sukha. It is verified that the petitioner aged 18 years is not involved in any other criminal case.

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. No useful purpose shall be solved by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

It is made clear that the petitioner shall not try to contact the victim or the witnesses in any manner - directly or indirectly.

May 26, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No