

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-18186 of 2017
Date of Decision: 15.09.2017

Lakhwinder Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. J.S. Thakur, Advocate
for the petitioner.

Mr. Luvinder Sofat, A.A.G. Punjab

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.104 dated 15.06.2015 registered for offences punishable under Sections 364-A, 506, 411 read with Section 120-B of Indian Penal Code (for short, "IPC") at Police Station Basti Khel, Jalandhar, District Jalandhar. (Offence punishable under Section 13 of Punjab Prevention of Human Trafficking Act, 2012 was added later on).

Heard.

As per case of prosecution, Ajai Kumar was kidnapped in Thailand by Jaswinder Singh and Paramjit Singh and on a call received from Thailand, a sum of ₹24,000/- was deposited in the account of petitioner, who was arrested in Thailand and deported to India for trial. He was arrested on 17.06.2015.

Statement of Ajai Kumar has been recorded in Court, wherein he has nowhere named the petitioner as the person, who has either

kidnapped him or met him in Thailand. Allegations against the petitioner are only relating to deposit of ₹24,000/- in his account. Petitioner is in custody for the last more than two years and till date only two witnesses have been examined by the prosecution.

In view of above facts but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Lakhwinder Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

September 15, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No