

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-372 of 2017

Date of Decision: 24.1.2017

Parvinder Singh alias Manna

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Vivek Goel, Advocate
for the petitioner**

Rekha Mittal, J.

Heard.

Notice of motion.

Ms. Divya Jerath, AAG, Punjab accepts notice on behalf of respondent No. 1.

The petitioner prays for grant of regular bail in FIR No. 27 dated 21.2.2016 for offence under Sections 363, 366-A of the Indian Penal Code (in short "IPC") (offence under Section 376 IPC added later) registered at Police Station, Dharamkot, District Moga.

Counsel for the petitioner has submitted that allegations qua offence punishable under Section 376 IPC are not raised against the petitioner as Avtar Singh is the main accused in the case who is in custody. It is further submitted that the prosecutrix and Avtar Singh filed a petition seeking protection of their lives and liberty in February 2016. In the statement recorded by the prosecutrix under Section 164 of the Code of Criminal Procedure, she has not levelled any allegations against the petitioner. In addition, it is argued that Binder Singh and Balwinder Singh

@ Binder Singh, similarly situated accused were allowed bail in anticipation of arrest vide orders dated 14.7.2016 (Annexure P-4) and dated 2.9.2016 (Annexure P-5) respectively.

Counsel for the State has not disputed the factual assertions but opposed the bail application.

I have heard counsel for the parties and perused the paper book.

On completion of investigation challan has been presented only against accused Avtar Singh. The only allegation against the present petitioner is that he alongwith others helped Avtar Singh in enticing away the prosecutrix. The prosecutrix has not supported the prosecution case in her statement recorded under Section 164 Cr.P.C with regard to any role attributable to the petitioner.

Without commenting upon merits of the case, petitioner is ordered to be released on bail subject to satisfaction of the trial court. He shall abide by the following conditions:-

- (i) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- (ii) He shall not leave the limits of this country without prior permission of the Court.

(Rekha Mittal)
Judge

24.1.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No