

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

CRM M-39414 of 2017.

Date of Decision: 31.10.2017.

Kuldeep Singh Waraich ... Petitioner
Versus
State of Punjab ... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Deepinder Brar, Advocate,
for the petitioner.

Ms. Anju Arora, Addl. AG Punjab.

JITENDRA CHAUHAN.J.(ORAL)

Custody Certificate has been filed in the Court. The same is taken on record.

The present petition has been filed under Section 439 Cr.P.C seeking bail in case FIR No.31 dated 03.02.1999 registered under Sections 366, 376 and 506 IPC at Police Station Sultanwind, District Amritsar.

Learned counsel for the petitioner refers to Annexure P-2, the FIR to contend that the complainant resorted to lodge similar complaint against Gurmit Singh, a citizen of Holland, Brijesh Pal Singh, a citizen of Kenya and the present petitioner who is a citizen of Canada. The mother of the petitioner stands acquitted by the trial Court vide judgment dated 29.07.2015. He states that the petitioner was initially admitted to bail vide order dated 19.03.1999 however, the father of the petitioner died in Canada and the petitioner had gone there to attend the last rites of his father. In the meantime, the petitioner was

declared a proclaimed offender. The petitioner himself surrendered to

the jurisdiction of the competent Court.

On the other hand, the learned State counsel submits that the petitioner remained a proclaimed offender for a number of years.

Heard.

Considering the fact of multiple similar FIRs lodged by the prosecutrix which are reflected in Annexure P-2, the FIR and the fact that the petitioner himself surrendered and is in custody since 08.11.2016, the mother of the petitioner has already been acquitted by the Court of competent jurisdiction; the acquittal of his mother has not been assailed either by the prosecutrix or by the State so, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate concerned.

Considering the antecedents of the petitioner, the petitioner is directed to surrender his passport and he shall not leave the country without the written permission of this Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

31.10.2017.

SN

(JITENDRA CHAUHAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No