

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

Criminal Misc. No.M-22269-2018

Date of Decision: May 29, 2018.

GURSEWAK SINGH

..... PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Puja Chopra, Advocate
for the petitioner.

Mr. D.S. Sukarchakia, DAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.122 dated 13.11.2010, under Sections 363, 366-A of IPC, registered at Police Station Raja Sansi, District Amritsar.

It is submitted that no offence punishable under Sections 363, 366-A is made out against the petitioner. Admittedly, the petitioner and daughter of the complainant solemnized marriage in the year 2010, though without the consent and wishes of the complainant and his family. After marriage the petitioner and the complainant's daughter resided at Muktsar Sahib. They were blessed with a daughter on 01.01.2012. Learned counsel for the petitioner submits that relations

between the petitioner and the complainant also became cordial after lapse of time. The petitioner alongwith his wife and child often used to visit the complainant's home. Unfortunately, discord emerged between the petitioner and his wife. The matter was compromised as reflected in affidavit dated 01.10.2015, suffered by the complainant's daughter i.e. wife of the petitioner. The petitioner, it is submitted was not even aware that he had been declared proclaimed offender in the present FIR. It is reiterated that the petitioner was very much resident at Sri Muktsar Sahib and thereafter in District Amritsar itself. The petitioner was declared as proclaimed offender in violation of settled provisions of law. Moreover, the final report under Section 173 Cr. P.C has since been presented. The petitioner who has been in custody since 07.03.2018, it is submitted, is not involved in any other criminal case. The petitioner undertakes not to misuse the concession of bail, if afforded to him. It is, thus, prayed that this petition be allowed.

Learned counsel for the State submits that at the time of registration of the FIR, the complainant's daughter was about 17 ½ years old, therefore, a minor. However, on instructions from ASI Kuldeep Singh, it is verified that a minor girl was born out of the alliance of the petitioner and complainant's daughter. The petitioner is not reported to be involved in any other criminal case. Final report under Section 173 Cr. P.C has since been presented. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer

in the facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

May 29, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No