

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

CRM-M-27967-2018

Date of decision:- 27.7.2018

Sandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. G.S. Sullar, Advocate
for the petitioner.

Mr.Dhruv Dayal, Sr.DAG, Punjab.

H.S. MADAAN, J. (Oral)

This petition has been filed for the grant of regular bail to the petitioner – Sandeep Singh, an accused in FIR No.30 dated 1.5.2018, under Sections 363, 366-A, 380, 120-B IPC and 3 and 4 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Ghuman, District Gurdaspur.

Briefly stated, facts of the case as per prosecution story are that FIR in question was recorded on the basis of statement of complainant Sukhwinder Kaur wife of Tarsem Singh, resident of Choney, Police Station Ghuman, aged about 40 years wherein she stated that her daughter Kirandeep Kaur had passed matriculation examination in the

year 2016 and thereafter was assisting her in household work; that on 30.4.2018 when after taking meals, the entire family had retired to beds at about 10:30 p.m., Pawandeep Kaur got up for going to bathroom then she saw that Kirandeep Kaur was not there on bed; that Pawandeep Kaur woke up her mother and both of them searched for Kirandeep Kaur but she could not be located; that when almirah placed in the room of complainant was checked, then Rs.17,000/- placed therein were found to be missing. According to the complainant, a few days earlier her daughter Kirandeep Kaur had told her that Sandeep Singh – nephew and Balbir Kaur alias Gopi – niece of complainant were asking Kirandeep Kaur to perform marriage with Malkiat Singh son of Sukhdev Singh alias Maddu, resident of Khujala. According to the complainant, she had told Kirandeep Kaur that she was still a child and when she attained majority then she would be married of with a good boy. In statement to the police, the complainant stated that she was very confident that Sandeep Singh son of Gurnam Singh and Balbir Kaur alias Gopi daughter of Gurnam Singh, residents of Dharamkot in connivance with Malkiat Singh alias Maddu son of Sukhdev Singh, resident of Khujala had kidnapped Kirandeep Kaur by giving her allurements of marriage with Malkiat Singh @ Maddu.

Formal FIR was recorded. The investigation of the case was started. Accused Sandeep was arrested on 4.5.2018. He had moved an application for regular bail in Court of Sessions at Gurdaspur but was unsuccessful as the same was dismissed vide order dated 31.5.2018 passed by learned Additional Sessions Judge, Gurdaspur, as such, he has approached this Court for grant of similar relief.

Notice of the petition was given to the State and State counsel has put in appearance.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has argued that Malkiat Singh @ Maddu and Kirandeep Kaur had eloped and got married; that they have filed a petition in this Court for protection and in those proceedings, Kirandeep Kaur was sent to Nari Niketan for the period she attained majority as she was aged 17 years and 3 months; that no offence of kidnapping or abetment to kidnapping is made out against the petitioner. It is further contended that the complainant just to wreak vengeance had involved the petitioner and his sister in this case, therefore, bail be granted to the petitioner.

Whereas, this request is being opposed by the State counsel contending that the petitioner is specifically named in the FIR and he being part of the conspiracy under which Malkiat Singh @ Maddu had kidnapped Kirandeep Kaur stand clearly mentioned, as such no ground is made out to grant regular bail to the petitioner.

Admittedly the challan has not been filed in the Court so far. The filing of challan and completion of trial is likely to take some time. The guilt of the accused shall be determined during the trial. The allegations against the present petitioner are being part of conspiracy for kidnapping of the minor.

Considering all the facts and circumstances, I am of the view that the petition deserves to be accepted. Accordingly, the petition is

allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Gurdaspur, subject to the following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

27.7.2018
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No