

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

CRM-M-28230 of 2017(O&M)

Date of decision : 08.01.2018

Jagsir Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

AND

CRM-M-31632 of 2017 (O&M)

Sukhdeep Singh @ Mintu

.....Petitioner

Versus

Staet of Punjab

.....Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.A.S.Brar, Advocate
for the petitioner (in CRM-M-28230 of 2017).

Mr. A.S.Sekhon, Advocate
for the petitioner (in CRM-M-31632 of 2017)

Ms. Monika Jalota, DAG, Punjab.

LISA GILL,J(Oral)

This order shall dispose of CRM-M-28230 of 2017 as well as CRM-M-31632 of 2017. For the sake of convenience, facts are extracted from CRM-M-28230 of 2017.

Petitioners in both the cases seek the concession of bail pending trial in FIR No. 44 dated 29.04.2015, under Sections 306, 120-B, 506 IPC, registered at Police Station Badhni Kalan, District Moga.

As per allegations in the present FIR i.e. FIR No.44 dated 29.04.2015, it is alleged that FIR No. 28 dated 22.03.2014, under Sections 376(D) and 506 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, was registered against the petitioners and others. The present petitioners are alleged to have intimidated the wife and daughter of the complainant and threatened that in case they did not compromise the matter, they would be dealt with accordingly. It is due to this threat that the complainant's daughter committed suicide on 28.04.2015.

These are second petitions filed by the petitioners for concession of bail pending trial. The first petitions for bail pending trial filed by the petitioners were dismissed as withdrawn on 15.02.2016. Learned counsel for the petitioners submit that a similarly situated co-accused has thereafter been granted the concession of bail pending trial on 02.06.2017 in CRM-M-15231 of 2017. Moreover, both the petitioners have been acquitted by the learned trial Court vide judgment dated 10.05.2016 in FIR No. 28 dated 22.03.2014, under Sections 376(D) and 506 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Badhni Kalan. They have been in custody since 13.07.2015.

Learned counsel for the petitioners further submit that the offence punishable under Section 306 IPC is not made out against the present petitioners. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Sewak Singh, verifies that both the petitioners have been acquitted in FIR

No. 28 dated 22.03.2014. It is further informed that four out of fourteen witnesses in this case have been examined. Thereafter, two of the co-accused have been summoned to face trial as additional accused on an application under Section 319 Cr.P.C. Trial in this case is not likely to conclude in the near future.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in Court, if released on bail. No useful purpose would be served by keeping the petitioners incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, both the petitions filed by petitioner-Jagsir Singh and Sukhdeep Singh @ Mintu, are allowed. The petitioners be released on bail pending trial subject to their 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.

08.01.2018

s.khan

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No