

Criminal Misc. No. M- 37355 of 2017 (O&M)

Date of decision : January 23, 2018

Sukhjiwan Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Kehar Singh Hissowal, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 44 dated 29.04.2015 under Sections 306, 506, 120B IPC registered at Police Station Women Badhni Kalan, District Moga.

As per allegations in the abovesaid FIR, another FIR No. 28 dated 29.04.2014 under Sections 376(D), 506 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 was registered against the petitioner and others. The petitioner has admittedly been convicted in the above said FIR No.28 and sentenced to undergo rigorous imprisonment for twenty years. It is stated by the complainant that the petitioner as well as the other co-accused threatened his wife and daughter on 21.04.2015 that, in case, they did not compromise the matter, they as well as the family would be harmed financially and physically. The learned District Judge, Moga directed that action be initiated against the accused persons but no action was taken. The accused were encouraged and due to their conduct and threats the complainant's daughter committed suicide on 28.04.2015. It is further

submitted that the co-accused have been afforded the concession of bail, therefore, on parity the present petitioner should be allowed the concession of bail.

Learned counsel for the State points out that the co-accused, who have been afforded the concession of bail pending trial were acquitted in FIR No. 28 dated 22.04.2014 whereas the present petitioner has been convicted, therefore, he cannot claim parity with them.

Heard learned counsel for the parties.

There are serious allegations against the petitioner that a young girl who was a victim of his depravity committed suicide on account of subsequent conduct of the accused. The petitioner cannot claim parity with the co-accused who have been acquitted in FIR No. 28 dated 29.04.2014.

Keeping in view the facts and circumstances of the case, I do not find any ground to afford the concession of bail to the petitioner in the present case. However, keeping in view the period of custody, it is directed that the trial, in this case, be concluded expeditiously preferably within four months from the date of receipt of certified copy of this order.

Present petition is, accordingly, disposed of.

January 23, 2018

rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No