

208.

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

CRM-M-51608-2018

Date of decision:19.12.2018.

KHUSWINDER SINGH @ KAKA

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. P.S. Hundal, Senior Advocate, with
Mr. Jashandeep Singh, Advocate,
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.186 dated 16.10.2018 registered under Sections 344, 384, 420, 323, 148, 149 of IPC and Section 25-A of NDPS Act, at Police Station Sri Chamkaur Sahib, District Rupnagar.

Learned senior counsel appearing on behalf of the petitioner has argued that except Section 384 IPC, all the offences are bailable and triable by the Magistrate. Even otherwise, for offence under Section 384 IPC, the maximum sentence is 3 years. No offence under the NDPS Act, 1985 including Section 25 has been made out against the petitioner, as no such contraband was ever recovered from him. The allegation against the

and has detained about 150/200 persons in the said Centre. After giving torture to these persons, he demanded hefty amounts from the addicts. He has further argued that in fact there is a historical gurdwara known as 'Gurudwara Jand Sahib' in the village where this Centre is located. In the said Gurudwara, the holy life of 10th Guru, Guru Gobind Singh Ji, is being preached. No parents of the rescued persons has ever come forward to depose against the petitioner that any amount was ever collected from them. Petitioner is in custody since 16.10.2018 and the trial in the case will take sufficient long time, as only challan in the case has been presented. The case is now fixed for 24.12.2018 for charge.

Learned State counsel, on instructions from ASI Inderjit Singh, is fair enough to state that no parent of the rescued person has come forward to depose against the petitioner, but about 10 to 16 people, who have been rescued in the case, have deposed against the petitioner and have stated that apart from the fact that the petitioner is running unlicensed De-addiction Centre, they were given torture and kept in inhuman condition.

I have heard learned counsel for the parties.

What has weighed to the mind of the trial Court, while declining bail to the petitioner, is that the rescued people have deposed against the petitioner, but has not considered the fact that none of the parents of these people have come forward to depose against the petitioner. Challan has been presented in the case. Even if it is assumed that the petitioner is guilty for the offence under Section 384 IPC, this offence prescribes a maximum sentence of 3 years. However, considering the fact that the petitioner is in custody since 16.10.2018 and the trial in the case will take

long time, petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

Accordingly, present petition is allowed.

However, the police shall keep a watch on the Centre being run by the petitioner.

(HARI PAL VERMA)
JUDGE

19.12.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No