

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-53827 of 2018 (O&M)
Date of decision : December 13, 2018

Boota Singh alias Jagga Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Bikramjeet Singh Jatana, Advocate, for the petitioner
Mr. Dhruv Dayal, Sr. DAG, Punjab for the State

Fateh Deep Singh, J. (Oral)

The brief allegations in this regular bail application under Section 439 Cr.P.C. of accused/petitioner Boota Singh alias Jagga Singh in case FIR No. 90 dated 24.6.2018, under Sections 363, 366-A IPC and subsequently added Sections 376, 506, 120-B IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Sadar Mansa are as follows:-

The present case was got registered by Ram Singh father of the girl aged around 15 years who has passed 8th class alleging that on 23.6.2018 around 5.00 PM in the evening her daughter had left house without informing the family. Suspecting that accused non-applicant Diwan

Ram who resides in the neighbourhood used to visit their house and thus suspected that he might have allured and taken away her daughter for marriage, on the basis of which the present case was got registered. During the course of investigations, it transpired that the petitioner who happens to be the husband of sister of the prosecutrix had dropped the girl from Mansa to Budhlahda leading to his arrest on 14.7.2018.

Mr. Jatana, learned counsel for the petitioner has argued that at the very initial stage of the case during the registration of the FIR no such allegation has come about against the petitioner. The only allegations that have belatedly cropped up are that the petitioner being brother-in-law had only dropped her from Mansa to Budhlahda and thus cannot be assumed to be his companion in the commission of the offence arguing that similarly placed co-accused Rani has been allowed regular bail by this Court vide orders dated 12.11.2018.

The learned State counsel Mr. Dhruv Dayal assisted by SI Gurpal Singh, PS Sadar Mansa has stoutly opposed the grant of the relief arguing that a young girl aged around 15 years had eloped in which the petitioner has significant role to play and if allowed bail would stifle the investigations and the trial.

Appreciating the submissions, the FIR Annexure P/1 does not suggest even remotely any role to the petitioner in the commission of the offence. His name has subsequently cropped up of having dropped the girl from Mansa to Budhlahda when it is the own stand of the complainant

father of the girl that it was the handiwork of his neighbour co-accused non-applicant Diwan Ram. Besides the fact as has been noticed the history given in the MLR shows that the girl has left her home at her own and so is the story in the FIR besides the fact the observations of the doctor conducting medico legal examination of the girl are in itself suggestive that she was in such a relationship over a long period of time. The co-accused of the petitioner Rani has been allowed regular bail by this Court and thus by the principle of parity together with the fact that the petitioner is behind the bars since almost five months and that the investigations and trial are not likely to be accomplished in near future, no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Mansa.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

December 13, 2018
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>