

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-54724 of 2018

Date of Decision: December 17, 2018

Surinder Singh @ Sonu

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. S.S. Randhawa, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

The allegations against petitioner-Surinder Singh @ Sonu in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No. 94 dated 23.08.2018 under Sections 363 and 366-A IPC registered at Police Station Nurpur Bedi levelled by complainant Kallu Singh, who is the father of a girl child aged 7 years student of 3rd class are that on 22.08.2018, the girl child had gone missing and missing report was got lodged and, subsequently, on 23.08.2018, the accused/ petitioner was found going with the child on a bicycle and on seeing the parents of the girl left the child and

managed to escape leading to his arrest the same very day.

Mr. S.S. Randhawa, learned counsel for the petitioner contends that the own stand of the prosecution nowhere illustrates that the girl child was abused or otherwise any demand of ransom made rather it was a pure personal vendetta, which has been given effect of the false case and that the petitioner is behind the bars for almost four months as is reflective from the custody certificate produced by the learned State counsel.

Mr. Mr. Saurav Khurana, DAG, Punjab, learned State counsel assisted by HC Dilbagh has sought to oppose the grant of bail on the grounds that a minor girl child has been abducted and, therefore, in view of the heinousness of the offence disentitles the petitioner to any bail though accepts that there is no medical evidence to support any such abuse of the child or demands of ransom.

Appreciating the submissions of the two sides keeping in view that there is no tangible evidence brought to the notice of the Court regarding either abuse of the girl child or any demand of ransom and, thus, a debatable issue having been arisen over casting of these alleged allegations of abduction/kidnapping of a girl child.

In the light of what has been detailed and discussed above, together with the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. This Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate,

concerned. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

December 17, 2018
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No