

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-560 of 2019

Date of Decision: January 15, 2019

Varinder Singh @ Kala

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. I.S. Dhaliwal, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

The brief allegations against petitioner-Varinder Singh @ Kala in this first regular bail application under Section 439 Cr.P.C. in FIR No. 88 dated 13.09.2018 under Sections 363/366-A IPC Police Station Sadar Malout, District Muktsar Sahib have been levelled by complainant Surinder Singh. The allegations are that Gurpreet Kaur (sister of complainant), his sister-in-law, who is a married lady aged 25 years are residing alongwith his niece. It is alleged that his niece eloped from the house on 08.09.2018 and it is during the course of investigation, it transpired that co-accused/non-applicant in league with the present petitioner-Varinder Singh @ Kala, who was in relationship with Gurpreet Kaur took them on a train and only role

assigned to the non-applicant accused Jagmeet Singh is that he arranged for the money and saw them off at the railway station. As per the State, there is no allegation against present petitioner-Varinder Singh @ Kala of any sexual misconduct.

On behalf of the petitioner Mr. Impinder Singh Dhaliwal has contended that the petitioner is behind the bars since 24.09.2018 and that there are no allegations against the petitioner except the fact that he had gone with the ladies and that the ladies have since then returned back and that the investigation and trial are not likely to be concluded in near future.

On behalf of the State Mr. Saurav Khurana, DAG, Punjab assisted by ASI Tejinder Singh, Police Station Sadar Malout though has not differed over the factual scenario but has opposed the grant of bail on the ground of seriousness of allegations and that the matter is under-trial.

Appreciating the submissions from the two sides and in view of the fact that co-accused of the petitioner, namely, Jagmeet Singh and Gurpreet Kaur have since been allowed regular bail by the Court below and the own stand of the State that there is no allegation of such a nature, which could fall within the domain of sexual misconduct by the petitioner 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.

January 15, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No