

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-1067 of 2019 (O&M)
Date of decision : January 22, 2019

Roshan Masih

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Varinder Basa, Advocate, for the petitioner
Mr. Avtar Singh Sandhu, Addl. AG Punjab for the State

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Roshan Masih in this first regular bail application filed in case FIR No. 44 dated 28.6.2018 under Sections 376,363,366-A, 120-B, 148, 149 IPC and Sections 3,4,7,11 of the Protection of Children from Sexual Offences Act, 2012, Police Station Sekhwan, District Gurdaspur, have been levelled by father of the victim, a young girl aged around 17 years and 9 months. In his allegations he alleged that on 27.6.2018 at night time while the family had gone to sleep and when they woke up they found their daughter the victim missing from the house leading to the registration of the present case.

It was during the course of investigations it cropped up that the

present petitioner along with co-accused non-applicant Rahul alias Kalu and Sikander Masih were instrumental in whisking away the girl. The only role attributed to the petitioner is that he had driven the motorcycle on which principal accused and the girl were ferried and then they had boarded a train.

Mr. Varinder Basa, learned counsel for the petitioner has submitted that similarly placed co-accused non-applicant Sikander Masih has been allowed regular bail by this Court vide orders dated 21.11.2018 and has placed reliance on Annexure P/2 and that the case of the petitioner is not distinguishable from that of his co-accused who has been allowed bail.

Mr. Avtar Singh Sandhu, Addl. AG Punjab on instructions from ASI Joga Singh though does not disputes the facts so brought to the notice of the Court by the counsel for the petitioner but has opposed the grant of bail on the grounds of heinousness of the offence.

Appreciating the submissions, since it is the own stand of the State that no specific role is attributed to the petitioner in the commission of ravishing of the victim and has only ferried the girl and the principle accused on the motorcycle. The petitioner is behind the bars since 14.7.2018 and the trial is not likely to be concluded in near future together with the principal of parity, 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,

Gurdaspur.

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.

January 22, 2019

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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>