

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-1410 of 2019

Date of Decision: January 24, 2019

Kuldeep Singh

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off regular bail application under Section 439 Cr.P.C. moved in FIR No. 45 dated 21.03.2018 under Sections 376, 506 and 34 IPC and Sections 3 and 4 of Protection of Children from Sexual Offence Act, 2012 Police Station City Muktsar, District Sri Muktsar Sahib.

The brief facts that have been brought to the notice of this Court are that the present case has been got lodged by Deepak Kumar Aggarwal, father of the victim girl, who is a minor aged 17 years. As per these allegations during the intervening night of 20/21.03.2018 while the family had gone to sleep, their daughter/victim in the present case slept out of the house and, thereafter, eloped. Subsequently, it

transpired that the accused-non/application Sanjay Bansal alongwith the present petitioner had called the victim outside the house and, thereafter, took her on a motorcycle to a desolate premises where Sanjay Bansal ravished her and, thereafter, she was dropped back leading to the registration of the present case. The petitioner has been arrested on 24.03.2018.

Mr. H.S. Dhaliwal, learned counsel for the petitioner submits that the petitioner is behind the bars since long time and there is no element of sexual assault or criminal intimidation attributed to him and the only allegations are that he accompanied principal accused and the victim on motorbike.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab assisted by ASI Lakhwinder Singh, Police Station City Muktsar though does not displace the facts brought to the notice of this Court but has sought to oppose the grant of bail on the grounds of heinousness of offence and seriousness of allegations.

Appreciating the submissions from the two sides and as per the own stand of the State that no specific role is attributed to the petitioner except that he accompanied the victim and the accused on the motorcycle. The petitioner is behind the bars for almost 10 months and 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 24, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No