

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-1469 of 2019 (O&M)
Date of decision : January 22, 2019

Harwinder Singh alias Jiwan Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. BS Jatana, Advocate, for the petitioner
Mr. Rakeshinder Singh Sidhu, AAG, Punjab for the State

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Harwinder Singh alias Jiwan Singh in this first regular bail application under Section 439 Cr.P.C. in case FIR No. 42 dated 14.6.2018, under Sections 363, 366-A, 120-B IPC and subsequently added Sections 376, 376-D IPC and Sections 3,4,5 and 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016, registered at Police Station Joga, District Mansa are as follows:-

The present case has been got registered by mother of the victim who is aged around 17 years and 11 months at the time of the occurrence alleging that during the intervening night of 4-5/6/2018 her

daughter had gone missing from the home and was subsequently recovered on 15.6.2018.

Learned counsel for the petitioner argues that the petitioner is behind the bars since 16.6.2018 and that no specific role is attributed to him except that he accompanied the principal accused and the victim when the girl had fled from the house and that similarly placed co-accused non-applicant Manpreet Singh @ Tota had been allowed regular bail by this Court vide orders dated 14.12.2018 and the case of the present petitioner is not distinguishable from that of co-accused.

Learned State counsel on instructions from ASI Naib Singh does not disputes the facts submitted by learned counsel for the petitioner but has opposed the grant of bail on the grounds of heinousness of the offence.

Appreciating the submissions, the petitioner is behind the bars for more than seven months and his case is at par with that of co-accused Manpreet Singh @ Tota who has been allowed bail by this Court. Thus, in view of principle of parity together with the fact that culpability, if any, shall be determined at the trial which is not likely to be concluded 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.

January 22, 2019

(Fateh Deep Singh)
Judge

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Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No