

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-10076 of 2019 (O&M)
Date of decision : March 27, 2019

Mandeep Singh @ Semi

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

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

Fateh Deep Singh, J. (Oral)

Petitioner Mandeep Singh @ Semi has preferred this second regular bail application in case FIR No. 51 dated 12.5.2014 under Sections 363, 366-A, 376, 34 IPC and Section 4 of the the Protection of Children from Sexual Offences Act, 2012, Police Station Verowal, District Tarn Taran, after his first bail application in this case stood declined by this Court vide orders dated 9.8.2018.

The brief facts as have been detailed before this Court by the two sides are that the present case was got registered by Parkash Singh father of the un-married minor girl aged around 17 years and student of 10+2 class. It was alleged by the complainant that on 8.4.2014 his daughter

who had gone to attend her school did not return and it was revealed to him that Harjit Singh (principal accused) who has been since convicted under Section 363 IPC and along with his co-accused mother and present petitioner Mandeep Singh @ Semi who is relative of the principal accused had been instrumental in conniving with each other and had managed to instigate her on the pretext of marriage and allured the girl and taken her away leading to the registration of the present case. The petitioner was declared as a proclaimed offender in this case on 13.4.2015 and was subsequently arrested on 7.5.2018.

Mr. Akhilesh Vyas, counsel for the petitioner has argued that the petitioner is behind the bars for almost one year and except the principal accused other co-accused of the petitioner stands acquitted vide judgment Annexure P/2 and that there are no allegations against the petitioner for commission of any offence under any of the sections so imposed.

Mr. Avtar Singh Sandhu, Addl. AG Punjab on instructions from ASI Ranjit Singh, Police Station Verowal, District Tarn Taran though does not displace the facts brought to the notice of this Court but has stoutly opposed the grant of the relief on the grounds that the petitioner was declared proclaimed offender and if allowed bail would again abscond.

Going through the submissions, it is the own admission by the State that there are no specific allegations against the petitioner regarding offences under Section 376 IPC and Section 4 of POCSO Act and is only

alleged to be a relative of the principal accused and had helped the principal accused in running away with the girl. Except the principal accused all other remaining accused have already been acquitted by the trial court vide judgment dated 9.3.2017 except Harjit Singh who has been convicted under Section 363 IPC. Thus, in the light of the fact that no tangible evidence is apparently coming forth regarding participation of the accused in the commission of allegations of rape/defilement of the minor girl and that he has already undergone incarceration for a period of almost one year and the retrial is not likely to be concluded in the near future, it would sub-serve the ends of justice if the present petitioner is allowed bail. Further-more to safeguard the apprehension of the State that he might abscond, the petitioner shall be released on regular bail on furnishing two heavy sureties to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate/Trial Court, Tarn Taran.

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.

March 27, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No