

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-10393 of 2019 (O&M)
Date of decision : May 08, 2019

Gurpartap Singh @ Gurpreet Singh @ Gopi

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Amit Arora, Advocate, for the petitioner
Mr. Saurav Khurana, DAG, Punjab, for the State

Fateh Deep Singh, J. (Oral)

Accused petitioner Gurpartap Singh @ Gupreet Singh @ Gopi has moved this second regular bail application in case bearing FIR No. 45 dated 19.4.2018 under sections 363, 366, 380, 120-B IPC (Offences under Sections 366/120-B IPC stands deleted and offences under Sections 366-A, 201 IPC added later on) and under Sections 12 & 17 of the Protection of Children from Sexual Offences Act, 2012, Police Station Chohla Sahib, District Tarn Taran, the earlier one having dismissed as withdrawn on 16.10.2018.

The brief allegations that have come about in this case against the petitioner have been levelled by complainant Jaswinder Kaur mother of

the girl the victim in this case alleging that her daughter was student of 10+2 class and that during the course of events on enticement by the accused her daughter eloped along with certain costly items leading to the registration of the present case. The petitioner was arrested on 12.6.2018 leading to recovery of the girl.

Mr. Amit Arora, counsel for the petitioner inter-alia submits that the petitioner is behind the bars for almost 10 months and has sought to hammer home the point that the girl was major and on the basis of her statement and that of the petitioner that they have entered into a wedlock, this Court vide orders dated 18.4.2018 Annexure P/1 has provided them protection and that the trial is not likely to be concluded in near future.

Mr. Saurav Khurana, DAG, Punjab assisted by ASI Charanjeet Singh, Police Station Chohla Sahib, District Tarn Taran though accepts the facts that have been canvassed by counsel for the petitioner before this Court but has opposed the grant of relief on the ground that the victim was minor and has been enticed and taken away forcibly by the accused and if allowed bail, the petitioner might influence the trial.

Appreciating the submissions as is reflected from the own stand of the State that the age of the girl hovers around 17 to 18 years together with the fact that as per the statement of the girl and the petitioner made before this Court as per Annexure P/1, they have claimed to be major and have entered into wedlock. Thus, a debatable issue arises over the very applicability of the offences for which the accused has been hauled up. The

petitioner is behind the bars since long time. Culpability, if any, shall be determined at the time of 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, 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.

May 08, 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>