

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.15930 of 2019
Date of decision: 11th April, 2019

Bohar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Tarun Sharma, Advocate for the petitioner.

Mr. A.S. Sandhu, Addl. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Petitioner Bohar Singh who is in judicial custody, has come up in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.257 dated 23.11.2018 under Sections 363, 366-A, 506, 120-B IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Sadar Ferozepur.

The present case has been got registered by Shinder Singh father of an unmarried girl aged around 16 years and 8 months at the time of occurrence. It is alleged that on 13.11.2018 at around 7:30 p.m. acquaintances of the family comprising of accused non-applicants Sito Bai mother of principal accused Sandeep Singh, Jagga Singh, Sunita Rani wife of the petitioner, Amandeep Singh and the present petitioner Bohar Singh along with two unknown persons had come on vehicles and on the

pretext that accused Sandeep Singh, who was then lodged in another case in judicial custody, was missing daughter of the petitioner and shown their desire for making her meet with the principal accused. It is subsequently on a mobile phone it was revealed that the accused with the intention of effecting marriage of complainant's daughter with the principal accused had done so, leading to registration of the present case.

Learned counsel for the petitioner Mr. Tarun Sharma, Advocate inter alia submits that in her statement under Section 164 Cr.P.C. the victim has not levelled any allegation against the petitioner and that no specific role is assigned to the petitioner, who is in custody for a little over two months and that the trial is not likely to conclude in the near future.

On behalf of the State, Mr. A.S. Sandhu, Addl. Advocate General, Punjab on instructions from ASI Balbir Singh, Police Station Sadar Ferozepur has duly conceded to the facts brought to the notice of this Court by learned counsel for the petitioner but has sought to oppose the grant of relief on the grounds that the victim in her statement under Section 161 Cr.P.C. had assigned allegations to the accused persons though accedes to the fact that name of the petitioner does not find mention therein and has sought to submit that if allowed bail the petitioner might stifle the trial.

Going through the submissions of the two sides, it is the own admitted stand of the prosecution that the present petitioner accused

Bohar Singh has not been assigned any specific role in commission of the offence and has merely accompanied the co-accused when the girl was taken away after securing permission of her mother. The petitioner is behind bars. Without feeling the necessity to advert on to the merits, this Court is of the considered opinion that it is a fit case to allow the relief. In view thereof, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ferozepur. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

April 11, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No