

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-44586 of 2018

Date of Decision: February 07, 2019

Lakhwinder Singh

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Surinder Gandhi, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off regular bail application under Section 439 Cr.P.C. moved in FIR No. 20 dated 13.04.2018 under Sections 363, 366, 323, 368, 376 and 34 IPC registered at PoliceStation Khalra, District Tarn Taran.

The brief facts brought to the notice of this Court are that present petition was got registered on the statement of Sukhwant Singh @ Sukha brother of the prosecutrix unmarried girl a little below 18 years of age wherein he alleged that on 26.03.2018 around 6.00 a.m. principal accused Gursewak Singh who happens to be the brother of the present petitioner came on a motorbike and tried to entice and abduct the prosecutrix and on the intervention by the complainant, the

accused Gursewak Singh is alleged to have assaulted him with base ball bat and subsequently on his statement the present case was got registered on 03.04.2018 leading to arrest of the petitioner on 18.05.2018

Mr. Surinder Gandhi counsel for the petitioner *interalia* contends that there is inordinate delay in the registration of the FIR in which petitioner has not been named nor any role assigned to him and he has been subsequently roped in statement of Gurpal Singh dated 29.04.2018, which is a belated afterthought for a motivated cause and that the petitioner is behind the bars since a long time.

On behalf of the State Mr. Avtar Singh Sandhu, Addl. A.G., Punjab has opposed the bail on the contention that the accused by sheer use of physical force abducted a minor girl and, therefore, in view of the heinousness of the offence and the fact that if allowed bail the petitioner might influence investigation and stifle the trial.

Going through the submissions that the name of the petitioner does not figure in the FIR and his name has come about belatedly on 29.04.2018 and in view of the statement of Gurpal Singh, brother of the complainant who himself was never shown to be present at the time of the occurrence, the petitioner is behind the bars together with 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.

February 07, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No