

CRM-M-44457-2019

Date of Decision : 23.10.2019

Kulwinder Singh @ Kinda @ Kinder

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. K.S. Sidhu, Advocate
for the petitioner.Mr. Pawan Sharda, Senior DAG, Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

This order shall dispose off first regular bail application under Section 439 Cr.P.C in a case bearing FIR No.23 dated 01.02.2019 filed under Sections 363 and 366-A of the Indian Penal Code registered at Police Station City Sri Muktsar Sahib.

The present case was got registered on the statement of Prakash Chand @ Prakash Singh alleging that his elder daughter,

aged around 17 years 05 months, was a student of a college and on 09.01.2019, in the morning, she went to attend her college but did not return back and suspecting the role of the petitioner, the present case was got registered in which the petitioner was arrested on 05.02.2019.

Learned counsel for the petitioner *inter alia* contends that the petitioner is behind the bars since more than 08 months and that neither there is any allegation nor proof of defilement and having undergone substantial incarceration and being in a consensual relationship, the petitioner is entitled to bail.

On behalf of the State, the learned State counsel, assisted by ASI Ashok Kumar, Police Station City Sri Muktsar Sahib, has conceded to the facts that have been canvassed before this Court by learned counsel for the petitioner but has stoutly opposed the grant of bail on the grounds of seriousness of the allegations.

Appreciating the submissions of the two sides, admittedly, neither there are any allegations of defilement of the girl nor the learned State counsel states that there is any medical proof to that effect. The petitioner is behind the bars since long time, thus, culpability, if any, shall be determined at the trial, this Court is of the opinion that it would serve no useful purpose to further detain the petitioner in custody. Accordingly, he is ordered to be released on regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Ilqa Magistrate of the Court concerned.

The petition stands disposed off accordingly.

23.10.2019

Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No