

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

CRM-M No.48163 of 2019

Date of decision: 19th November, 2019

Sukhwinder Singh @ Gaggi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. S.S. Sarwara, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Sukhwinder Singh alias Gaggi in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.40 dated 27.07.2019 under Sections 363, 366-A, 120-B, 34 IPC pertaining to Police Station Dharamgarh, District Sangrur, are as follows:-

Complainant Ajai Singh, father of a girl aged around 17 years and 10 months at the time of occurrence and who happens to be a student of college, alleged that on 26.07.2018 his daughter had gone for study but did not return back and subsequently it was revealed that the present accused petitioner along with his co-accused non-applicant Akashdeep Singh in order to facilitate marriage of the girl with accused non-applicant Gurtej Singh, had enticed and taken her away in a car

owned by the present petitioner, leading to registration of the present case and subsequently the girl was recovered on 30.07.2018.

Learned counsel for the petitioner Mr. S.S. Sarwara, Advocate inter alia contends that the victim as per own stand of the complainant happens to be almost 18 years old and being in a consensual relationship had left her house on her own and has since been recovered and that the petitioner is behind bars since a long time and no specific role is attributed to the petitioner except that he happens to be owner of the car.

On behalf of the State, Mr. Pawan Sharda, Sr. Dy. Advocate General, Punjab on instructions from ASI Ram Singh though does not displace the facts but has sought to oppose the grant of bail on the grounds of heinousness of the offence and that if allowed bail the petitioner might influence the witnesses.

Appreciating the arguments of the two sides in the light of what has been canvassed before this Court, there is no specific role attributed to the petitioner in having enticed the victim and being in custody for a long time and the trial is not likely to conclude in the near future. In view thereof, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Sangrur.

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

November 19, 2019

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No