

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

CRM-M-7104-2020

Date of decision:15.6.2020

KULWINDER SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Anil Kumar Garg, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. B.D. Sharma, Advocate
for the complainant.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in
Virtual Court)*

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner-Kulwinder Singh has filed this petition seeking grant of regular bail in a case registered against him FIR No.132 dated 8.5.2019 under Sections 363, 366-A IPC at Police Station Jandiala, District Amritsar Rural.
2. The FIR in question was registered at the instance of Sinder Singh wherein it has been alleged that his daughter Navjot Kaur aged 16 years as well as daughter of his brother namely Komaldeep Kaur aged about 16 years & 7 months had gone out on 1.5.2019 at about 12 p.m. to collect vegetables but did not return back. Later the complainant came to know

that Partap Singh had taken away his daughter while his friend Harpreet Singh @ Kaka had taken away daughter of his brother on the pretext of marrying them. It is further alleged therein that Hardeep Singh i.e. father of Partap Singh, Manjit Kaur (mother of Partap Singh), Paramjit Kaur (aunt of Partap Singh) and Kulwinder Singh had extended support for the said elopement and had earlier also threatened them.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case solely on the ground that Partap Singh who is alleged to have enticed away complainant's daughter happens to be nephew of the petitioner-Kulwinder Singh. Learned counsel has further submitted that in fact Partap Singh and complainant's daughter had solemnized marriage against wishes of their parents and since they apprehended threat to their lives at the hands of family of the complainant, they had filed a petition in this Court seeking protection wherein order dated 22.7.2019 (Annexure P-1) was passed.
4. Learned counsel for the petitioner has submitted that the petitioner in any case has been behind bars since last about 5 months and '*Challan*' already stands presented and in these circumstances no useful purpose would be served by further detaining the petitioner the petitioner behind bars.
5. Opposing the petition learned State counsel assisted by learned counsel for the complainant has submitted that since the complainant's daughter was a minor and since the marriage of complainant's daughter was solemnized in the house of niece of petitioner, therefore, the complicity of the petitioner is clearly evident.

6. I have considered rival submissions addressed before this Court. Having regard to the facts and circumstances of the case especially the fact that the petitioner has been behind bars since last about 5 months and ‘*Challan*’ already stands presented and that the petitioner is not a previous convict, his further detention will not serve any useful purpose as the conclusion of trial is likely to take some time.
7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(GURVINDER SINGH GILL)
JUDGE

15.6.2020
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No