

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

CRM-M-13629 of 2020(O&M)

Date of Decision: 17.06.2020

Satnam Singh

Petitioner.

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Ankur Bansal, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh,DAG., Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner, seeks the concession of bail pending trial in FIR No.68 dated 19.04.2017, under Sections 498-A, 420, 120-B IPC (Sections 419, 494, 495, 465, 467, 468, 471, 406, 376, 376-D, 506 IPC added later on), registered at Police Station Division No. 7, Jalandhar. This is the petitioner's second application seeking bail, the first one having been dismissed on 19.02.2018.

The petitioner, it is submitted has been in custody since 04.08.2017. He was not named in the FIR, but in the supplementary statement of the complainant recorded on 29.04.2017.

Learned counsel for the petitioner submits that absolutely incorrect allegations have been raised against the petitioner. Moreover, even after the dismissal of the petitioner's first bail application on 19.02.2018 by this Court in CRM-M-37406 of 2017 (Annexure P-8), the victim/prosecutrix is not coming

forward to depose before the learned trial Court. It is submitted that after framing of the charges on 27.03.2018, the prosecutrix was partly examined on 11.01.2019. Thereafter, she did not appear on certain occasions and was ultimately examined again on 10.04.2019. She filed various applications for exemption from personal appearance. She was again partly examined on 10.05.2019 and thereafter chose not to remain present before the learned trial Court. The prosecutrix was again examined partly on 17.07.2019 and on 18.12.2019, she came present before the learned trial Court, but refused to depose. Ultimately, bailable warrants were issued qua the prosecutrix on 05.02.2020. Thereafter, due to the lock-down, necessitated by the outbreak of the Pandemic COVID-19, proceedings could not take place. It is further informed that the co-accused namely Kamaljit Singh @ Baba has died in custody. The complainant's husband, is in custody as well. The petitioner's it is stated is not involved in any other criminal case and has been in custody since 04.08.2017. It is thus prayed that this petition be allowed.

I have heard learned counsel for the parties and have gone through the file with their assistance.

At the time of dismissing the petitioner's first bail application i.e., CRM-M-37406 of 2017, it is specifically noted that the complainant has raised allegations that when she was made to stay at the house of Kamaljit Singh @ Baba, she would find herself waking up with Kamaljit Singh @ Baba and the present petitioner, though she slept along with her husband at the night. There are allegations of intoxication by her husband and the connivance of the present petitioner in the exploitation of the complainant.

Learned counsel for the State, does not dispute the factual position

regarding the partial examination of the prosecutrix or the death of co-accused- Kamaljit Singh @ Baba, while opposing the bail application. It is further, verified that the petitioner is not involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in Court, if released on bail. The petitioner has been in custody since 04.08.2017 and the complainant is now not coming forward to depose. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Satnam Singh, is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is made clear that the petitioner, shall not, in any manner try to contact the complainant or any of her family members. In such eventuality, bail afforded to the petitioner may be cancelled.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

17.06.2020
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.