

CRM-M- 16853-2020
Date of decision August 10, 2020

Sukhjeet Singh @ Sukha

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.A.S. Brar, Advocate for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

LISA GILL, J.

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

The petitioner seeks concession of bail pending trial in FIR No. 19 dated 06.03.2020 under Section 364 (section 120B IPC added lateron), registered at Police Station SadarKotkapura, District Faridkot.

It is submitted that the petitioner has been falsely implicated in this case on the basis of a disclosure statement by a co-accused. It is further submitted that there is no allegation against the present petitioner in the FIR. The complainant Manpreet Kaur alleged in the FIR that her minor son was abducted by the co-accused Maani Kaur and Preet Kaur from her residence. No allegation has been levelled against the petitioner. As per disclosure statement of the co-accused, the kidnapped minor was to be sold to the present petitioner. It is vehemently argued that there is no such evidence on record. There is infact no evidence to

suggest any connection of the petitioner with the other co-accused from whose custody the minor was also recovered on 08.03.2020. It is submitted that the petitioner is not involved in any other criminal case which may be pending. He stands acquitted in FIR No 165 dated 18.10.2016. Final report under Section 173 Cr.P.C./challan in this case stands presented. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State, is unable to deny that the petitioner has been inculpated in this matter on the basis of disclosure statement of the co-accused from whom the minor was recovered. Final report under Section 173 Cr.P.C. stands presented. No recovery has to be effected from the petitioner. Learned counsel for the State is unable to point out any palpable evidence on record, at this stage, to connect the petitioner with the offence in question, apart from the disclosure statement of the co-accused.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts, if released on bail.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, 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/concerned Duty Magistrate.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

August 10, 2020
rts

(Lisa Gill)
Judge

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