

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

211

**CRM-M-19016-2020
Date of decision: 10.08.2020**

Karnail Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Avtar Singh Khinda, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.99 dated 26.05.2020 registered under Sections 363, 366-A and 120-B of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Kotwali, District Kapurthala to which Sections 3 and 4 of the Protection of Children against Sexual Offences, 2012 and Section 376 of the IPC were added lateron.

Briefly stated, the facts relevant for disposal of the present petition are that father of the prosecutrix lodged the above said FIR alleging that he had three children including the prosecutrix. On the intervening night of 25/26.05.2020 he found the prosecutrix missing from his house. Co-accused Amandeep Singh had kidnapped the

prosecutrix in connivance with his mother Shindo, sister-in-law Raj, father Karnail Singh (petitioner) and matrimonial uncle Gian Singh. The police investigated the case and during investigation the prosecutrix was recovered from custody of co-accused Amandeep Singh on 27.05.2020. On completion of investigation, report under Section 173(2) of the Cr.P.C. has been filed.

The petitioner, who is in custody since his arrest on 27.05.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State counsel, who has filed custody certificate through e-mail print out of which is taken on record. However, no reply has been filed by the respondent-State.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The prosecutrix had filed CRWP-3706-2020 through her friend for protection of her life and liberty inter alia on the ground that the respondents were pressurizing the petitioner to perform marriage against her wishes. The prosecutrix was having love affair with son of the petitioner namely Amandeep Singh and both of them had run away from their respective house. The petitioner did not commit or connive in commission of any offence. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that

the petitioner connived in kidnapping of the prosecutrix by co-accused Amandeep Singh. In view of the gravity of the accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner and the fact that the trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19 but without commenting on merits of the case in any manner, I am inclined to extend concession of regular bail to the petitioner.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of requisite bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.08.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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