

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

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**CRM-M-19444-2020
Decided on : 28.08.2020**

Sukhwinder Singh @ Goldy

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Abhinav Singla, Advocate, for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Petitioner seeks grant of regular bail in a petition filed under Section 439 Cr.P.C. in FIR No.350 dated 04.12.2019 registered under Sections 376, 363, 366-A & 109 IPC and Sections 4, 6 & 17 of POCSO Act at Police Station Sadar Dhuri.

Counsel for the petitioner submits that the victim who is aged about 16 years was violated by Kaka Singh @ Gobinder Singh. It is stated that the petitioner is in custody since 05.12.2019. The allegations in the FIR are that the victim had met the petitioner in the year 2016 and had promised that they would get married. The victim had thus left her house at his promise and the departure from Village Meemsa to Malerkotla had been facilitated by one Sarabjeet Singh @ Sukhi and the victim met the petitioner at 6 PM at the bus stand at Ludhiana. Petitioner had taken her in his commercial vehicle towards Ludhiana-Sangrur road and stopped at a dhaba where Kaka Singh was present. He had left her there to unload the goods in the tempo and taking advantage of his absence, the said main accused had taken her in his truck and thereafter served food and dinner and violated her. Thus, the bail application of the petitioner had been refused on the ground that the petitioner had acted as a tool for facilitating the main accused to violate the victim.

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Keeping in view the above allegations, prima facie, this Court is of the opinion that the conduct and intention of the petitioner was not that the girl was to be delivered to the co-accused. Rather the sequence of events go on to show that the co-accused Kaka had taken advantage of the absence of the petitioner and forced himself upon the minor and taken advantage of her vulnerability. Petitioner has thus suffered sufficient incarceration for apparent negligence and in such circumstances, the petitioner is entitled for the benefit of regular bail as trial is likely to take considerable time. This Court in CRM-M-13304-2020 has also granted regular bail to Sarabjeet Singh @ Sukhi on 08.07.2020 noting the said fact.

Accordingly, the present petition is disposed of by directing that the petitioner shall be released on regular bail to the satisfaction of the Ilaqa/Duty Magistrate Sangrur. Needless to say that anything said herein is only for the purpose of deciding the present bail application and this Court has not opined on the merits of the case.

**(G.S. SANDHAWALIA)
JUDGE**

AUGUST 28, 2020
sailesh

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No