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

**CRM-M No.19978 of 2020
Date of Decision: 10.08.2020**

AJAY SINGH @ KIRTI

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

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

Mr. Hittan Nehra, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.109 dated 03.08.2016, registered under Sections 364, 323, 120-B IPC at Police Station City Gurdaspur, District Gurdaspur.

Learned counsel for the petitioner submitted that evidently the FIR was registered on 03.08.2016 with the allegations that on that day, the complainant (wife of co-accused Sukhjinder Singh @ Sonu) was going to Red Cross Office.

Husband of the complainant namely Sukhjinder Singh @ Sonu along with his friends i.e. petitioner, Raju and one unknown person came in a car from behind and forcibly abducted her on a knife point. The complainant raised alarm and struck her foot against the rear door of the car. On seeing the car slowing down, she jumped out of it. A complaint was made to the police upon which FIR was registered. Petitioner was arrested on 04.08.2016 and was granted regular bail vide order dated 14.09.2016. Thereafter petitioner absented from the Court on 09.01.2019 and was declared proclaimed offender on 12.04.2019. Petitioner has been arrested on 21.03.2020 and since then he is in custody.

Learned counsel further submitted that the ingredients of offence under Section 364 IPC are not attracted. Challan qua the petitioner has already been filed and there is no progress in the trial and no prosecution witness has been examined so far.

Per contra, learned State counsel submitted that in respect of status of petitioner being that of proclaimed offender, independent FIR under Section 174-A IPC has been lodged against him and he has not sought any bail in that case till date. There is matrimonial discord between the complainant and Sukhjinder Singh @ Sonu for which divorce petition is pending in the competent Court.

Having heard learned counsel for the parties, it can be seen that the petitioner was granted regular bail on 14.09.2016 and thereafter he absented from the Court and now he is in custody since 21.03.2020. The prosecution evidence has not started yet due to the prevailing situation arising out of pandemic COVID-19.

At this stage, without advertng to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

August 10, 2020

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No