

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

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**CRM-M No.23547 of 2020
Date of decision:28.08.2020**

Dharminder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Maninder Singh Saini, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.29, dated 11.02.2020 registered under Sections 363, 366-A of IPC, later on added Section 120-B IPC and Section 8 of POCSO Act, 1959, at Police Station Dugri, District Ludhiana.

Counsel for the petitioner submits that the petitioner was arrested on 22.08.2020 though he is not named in the FIR. Counsel argues that the sole allegation pertaining to the petitioner, as mentioned in the FIR, is that allegedly two Hindu boys went to the school of the victim girl and took her along with them and the name of one of the boy was Harjinder Singh @ Harman Singh. Counsel for the petitioner has

referred to the application submitted by the girl before the Duty Magistrate, Ludhiana for recording of her statement, in which she has submitted that her mother had fixed her marriage with a man of her choice but the applicant (girl) ran away from her house and started living with Harjinder Singh. Reference has also been made to the marriage certificate dated 23.05.2020, Annexure P-5, to show that the girl has married Harjinder Singh. Still further counsel places reliance on the order dated 31.07.2020, Annexure P-8 passed by this Court in CRM-M-21306-2020, ***Harjinder @ Harman @ Kala Vs. State of Punjab***, whereby co-accused was granted interim bail. Counsel argues that his case is on a better footing than that of co-accused, Harjinder Singh.

State counsel has filed the custody certificate of the petitioner dated 28.08.2020. Same is taken on record. Opposing the petition, State counsel, upon instructions from ASI Sukhdev Raj, submits that after the registration of the FIR, complainant, who is the mother of the girl made a supplementary statement on 16.02.2020 wherein she specifically named the petitioner along with Harjinder Singh as one of the two accused who kidnapped her daughter.

I have considered the rival submissions of the counsel for the parties.

Considering the fact that the girl has already married Harjinder Singh and is living with him and also the fact that Harjinder Singh @ Harman Singh has been granted interim bail by this Court and that the trial is likely to take sometime to conclude, no useful purpose will be served by keeping the petitioner behind bars any further. Without commenting anything on the merits of the case, the petition is allowed

and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

28.08.2020
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No