

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

218

CRM-M-27148-2020

Decided on : 05.10.2020

Baljinder Singh @ Sadha

... Petitioner

Versus

State of Punjab

... Respondent

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

Present: Mr.G.S.Bhatia, Advocate, for the petitioner.

Mr.Ramandeep P.Singh, DAG, Punjab.

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

G.S. Sandhawalia, J. (Oral)

Present petition, filed under Section 439 Cr.P.C., seeks grant of regular bail in FIR No.39 dated 23.04.2017 under Sections 365, 342, 323, 376-D, 506, 366, 458, 148, 149 IPC registered at Police Station Goindwal Sahib, District Tarn Taran.

Counsel for the petitioner has submitted that similarly situated co-accused, Gurdial Singh has been granted the benefit of regular bail in CRM-M-40116-2019 on 13.11.2019. It is submitted that the petitioner was arrested on 21.06.2020 and has been behind bars for the last more than 3 months.

It is further submitted that the Co-ordinate Bench had noted that though the prosecutrix had stated that she had been confined for more than 2 months but it had been unexplained why there was no FIR/DDR lodged and the factum of her missing from home. It has also been noted that it was a case of cross-version on account of the fact that an FIR No.22 dated 09.04.2016 had been registered at Police Station Goindwal Sahib under Sections 376-D & 120-B at the instance of one Sandeep Kaur against 4 persons closely related to the accused herein and thus, it was a counter-blast by the complainant on account of political rivalry.

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A perusal of the FIR would go on to show that there are allegations of detention and rape in the house of Gurdial Singh, for the first two days who has already been granted the benefit of regular bail. Petitioner is also similarly situated and it is not disputed that investigation is complete and challan has been presented on 18.09.2020. Therefore, no useful purpose would be served in keeping the petitioner behind the bars. The conclusion of the trial is likely to take some time and the veracity of the allegations have to be established, in view of the above-said background of the parties.

Accordingly, in view of the above discussion, the present petition is allowed. Petitioner shall be released on regular bail, to the satisfaction of the CJM/Duty Magistrate, Tarn Taran.

OCTOBER 05, 2020
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No