

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 30988 of 2020
Date of Decision: 09.10.2020**

Binny @ Ginny

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. P.K.Bansal, Advocate
for the petitioner.

Mr. Venu Gopal Jauhar, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 122 dated 19.8.2015 under Sections 363, 366-A, 120-B IPC (Sections 376 IPC and Sections 3 and 4 of Protection of Children from Sexual Offences Act, 2012 added later on) registered at Police Station Kulgari, District Ferozepur.

Learned counsel for the petitioner submits that in the present case, Manjeet Kaur-complainant got recorded her statement alleging that her daughter has been taken away by Vijay Singh, whereas the victim in her statement recorded under Section 164 Cr.P.C., has stated that she was in love with Vijay Singh and had gone with him on her own sweet will. He further submits that the petitioner is a close relative of Vijay Singh being his cousin (maasi's son) and was declared proclaimed offender on 20.9.2017 and in the P.O. proceedings, he was released on interim bail on 28.3.2020.

The information releasing the petitioner on interim bail was not available

with him when the earlier bail application of the petitioner was got

withdrawn on 15.7.2020.

Learned State counsel, who is assisted by ASI Balbir Singh, submits that the allegation against the petitioner is that Vijay Singh along with the girl stayed at the home of the petitioner. He further submits that the petitioner was declared proclaimed offender on 20.9.2017 and even his wife-Madhu is still a proclaimed offender.

Custody certificate by way of affidavit of Deputy Superintendent, Central Jail, Ferozepur has been filed through e-mail. Copy of the same is taken on record.

In the present case, the allegation against the petitioner is that the petitioner accommodated his cousin Vijay Singh (co-accused) along with the victim in his house. The petitioner has been declared proclaimed offender on 20.9.2017 and FIR No. 23/21.3.2019 under Section 174-A IPC has been registered against him, in which he has been granted interim bail on 28.3.2020, on the recommendation of the High Power Committee. As per the custody certificate, the petitioner has been in custody from the last 07 months and 29 days. The trial will take time to conclude due to COVID-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

October 09, 2020
Gurpreet

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