

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

CRM-M-31193-2020

Date of decision: **9.10.2020**

GARJU PARSHAD

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Charanpreet Singh, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.173 dated 17.5.2018 under Sections 363-A, 365, 34 IPC at Police Station Sahnewal, District Ludhiana.
2. The FIR was lodged on the basis of secret information to the effect that 4 persons who were dressed as 'Yogis' (saints) in saffron clothes were standing near bus stand along with a boy who seemed to be frightened & scared and that they were begging along with a boy. It is alleged in the FIR that it was suspected that said 4 persons had either allured the boy under some greed or had threatened him for begging and had illegally detained him. Pursuant to receipt of aforesaid information the police swung into action and was able to nab aforesaid 4 persons and the boy.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and has not been named at all in the FIR. It has further been submitted that it is highly unlikely that a boy aged about 9-10 years who is said to be illegally detained would be present at a public place like bus stand and yet not raise any hue & cry and toe on the line of other accused who were begging.
4. Opposing the petition, learned State has submitted that since the petitioner was caught red handed at the spot pursuant to secret information and in fact the boy along with his father has already been examined during the course of trial and has identified petitioner to be amongst the accused, no case for grant of bail is made out. Learned State counsel upon instructions from SI Baldev Singh has informed that 3 PWs out of cited 9 PWs have been examined and that the petitioner as on date has been behind bars since last more than 2 years & 4 months and that the petitioner is not wanted in any other case.
5. I have considered rival submissions addressed before this Court.
6. Though it has been informed that the recovered boy has been examined by the Court and had supported the case of prosecution but this Court cannot remain oblivious to the fact that the petitioner has been behind bars since last more than 2 years & 4 months and that as on date only 3 PWs out of cited 9 PWs have been examined and that conclusion of trial is likely to consume some time. The petitioner is not stated to be involved in any other case. In these circumstances further detention of the petitioner will not serve any useful purpose especially keeping in view

the fact that the petitioner is stated to be aged more than 77 years. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9.10.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**