

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-4302-2021 (O&M)
Date of Decision:- 5.2.2021

Gursewak Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Surinder Gandhi, Advocate, for the petitioner.

Mr. H.S.Multani, AAG, Punjab.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.20, dated 13.4.2018, Police Station Khalra, District Tarn Taran, under Sections 363, 366, 323, 368, 376, 325, 34 IPC.
2. The FIR was lodged at the instance of Sukhwant Singh wherein it is alleged that the petitioner had induced his sister (victim) on the false pretext of marriage and planned to take her away on a motorcycle. It is alleged that on 26.3.2018, the petitioner attempted to abduct his sister but the complainant's brother Gurpal Singh gave a push to the

motorcycle. However, the petitioner was armed with a baseball bat and he hit complainant's brother and managed to abduct complainant's sister and ran away on motorcycle.

3. Learned counsel for the petitioner has submitted that it is a case where the complainant's sister was more than 17 years at the time of occurrence and in fact they had also solemnized marriage which was not accepted by her brothers. Learned counsel has further submitted that the victim i.e. complainant's sister also lodged a complaint against her brothers (Annexure P-2) wherein she disclosed her age as 19 years. It has been submitted that the matter in fact stands compromised amongst the parties and the petitioner intends to formally keep the victim as his wife. Learned counsel has further submitted that in any case the petitioner as on date has been behind bars since the last about 2 years and 9 months.
4. Opposing the petitioner, learned State counsel has submitted that since specific and categoric allegations have been levelled against the petitioner, no case for grant of bail is made out. It has further been submitted that when the victim was examined during the proceedings of trial she has deposed against the petitioner. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 2 years and 9 months.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the petitioner has been behind bars since the substantial period of 2 years and 9 months and conclusion of trial is likely to consume time as only 8 out of the cited 24 PWs

have been examined, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

February 5, 2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No