

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7142 of 2021

Date of Decision: 23.03.2021

Malkeet Singh

....Petitioner

Versus

State of Punjab and ors

....Respondents

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr.Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Gagandeep Singh, Advocate
for the complainant.

HARINDER SINGH SIDHU, J.

Present petition has been filed under Section 439 Cr.P.C. seeking regular bail in FIR No.127 dated 22.09.2020, under Section 363, 336, 452, 506,120-B, 376, 366-A, 343, 148, 149 IPC and Sections 25 and 27 of Arms Act, 1959 and Section 6 of POCSO Act registered at Police Station Dorangla, District Gurdaspur.

FIR was lodged on the statement of Avtar Singh, who stated that his daughter (prosecutrix) is a student of 10+1. Her date of birth is 23.07.2004. On 22.09.2020, the complainant alongwith his wife and daughter were present at their house. At about 1:45 p.m. Sukhdev Singh @ Boora armed with pistol, Gurjit Singh @ Bha armed with *datter* accompanied by 4 unidentified persons armed with iron rods entered the house of the complainant. Thereafter they caught hold his daughter by her arm and brought her in *veranda* from

her room. Sukhdev Singh @ Boora forcibly dragged the daughter of the complainant outside the house. The complainant alongwith his wife and younger daughter tried to rescue the prosecutrix from the clutches of the said accused, but the aforesaid accused managed to kidnap the daughter of the complainant.

Learned counsel for the petitioner argued that the petitioner is not named in the FIR. Only two persons namely, Sukhdeep Singh @ Boora and Gurjit Singh @ Bha besides four unknown persons have been mentioned. The prosecutrix was recovered on 29.09.2020. Her statement under Section 164 Cr.P.C. was got recorded on 01.10.2020, wherein she mentioned the names of Sukhdeep Singh @ Boora, Gurjit Singh @ Bha, Ritik, Haria, Vishavjeet, Golu, Jaggu and Pritham @ Rohit.

Learned counsel for the petitioner argued that the petitioner has been implicated in this case on the basis that the reference to 'Golu' in the statement of the prosecutrix is a reference to the petitioner. He stated that the petitioner's name is not Golu. He states that the complainant and his daughter have also stated that the petitioner was not involved in the said occurrence.

Learned counsel for the petitioner states that the petitioner is serving in Indian Army as Sepoy and his implication in the present case is on account of misunderstanding regarding the identity of the named accused.

In view of the above, without expressing any opinion on the merits of the case, this petition is allowed. Petitioner-Malkeet

Singh be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

[HARINDER SINGH SIDHU]
JUDGE

March 23, 2021
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no