

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-14699 of 2020

Date of Decision: April 22, 2021

Paramjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Bhavyadeep Walia, Advocate,
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.1 dated 07.01.2020, under Sections 363, 366-A IPC, 1860, Section 376 IPC and Sections 3, 4 Protection of Children from Sexual Offences Act, 2012 (added later on), registered at Police Station, Badhni Kalan, District Moga. The petitioner is in custody since his arrest on 09.01.2020.

The above FIR was registered on the statement of Darshan Kaur, wherein it was stated that Komalpreet Kaur, daughter of her maternal aunt (massi) is living with them at Village Lupon for the last one year. On 01.01.2020 at about 12:30 p.m., Komalpreet Kaur went away from the house without disclosing anything and thereafter she did not return home. When they searched for her, they suspected that one Paramjit Singh enticed away her. Paramjit Singh had harassed her sister number of times. When they could not find Komalpreet Kaur, then they reached village Chuharchak, where Paramjit Singh was not found present at his house, which was locked.

On inquiry, the people told them that all of them have gone to some place for the last 2-3 days, whereupon they got sure that Paramjit Singh had enticed away her sister on the promise of marriage. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that in all there are fifteen prosecution witnesses and only one witness has been examined so far, i.e., the victim. Learned counsel has produced the deposition of the victim recorded by the trial court as PW-1 to contend that she has not supported the prosecution case. According to him, the witness was declared hostile. He submits that the trial is likely to consume considerable time to conclude, therefore, the petitioner be released on bail.

On the other hand, learned State counsel assisted by ASI Satnam Singh, has opposed the prayer on the ground that the offences are serious. According to her, the other witnesses are yet to be examined by the prosecution.

After hearing the learned counsel for the parties and considering the fact that the material witness has been examined and the trial is likely to consume considerable time to conclude as still fourteen witnesses still remain to be examined on behalf of the prosecution. The remaining witnesses are either the police officials or the relatives of the victim, therefore, there does not seem to be any possibility of their being won over. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the state governments of Punjab, Haryana and U.T.Administration, Chandigarh to impose various restrictions to clampdown the contagion, and it would further delay the conclusion of trial.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Moga.

April 22, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No