

116.

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

**CRMs-29589 & 29594-2021 IN/AND
CRM-M-23881-2021**

Date of Decision: 16.09.2021

(Heard through VC)

GURMUKH SINGH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.K. Bishnoi, Advocate, for the petitioner.

Mr. A.S.Gill, Senior DAG, Punjab.

JAISHREE THAKUR.J (Oral)

CRM-29589-2021

Prayer in this application filed under Section 482 Cr.P.C. is for preponement of the main petition, which is otherwise fixed for hearing on 28.10.2021.

The preponement of the date in the main case has been sought on the ground that in fact in the challan stands presented and in her statement recorded under Section 164 Cr.P.C., the prosecutrix, daughter of the complainant, has stated that she had left her home of her own free wish and that the petitioner herein was not at fault.

For the reasons stated in the application, same is allowed and the hearing of the petition is preponed and the same is taken on board today itself.

CRM-29594-2021

Application is allowed, as prayed for.

Documents i.e. Annexure P-3 (statement) and Annexure P-4 (challan) are taken on record.

CRM-M-23881-2021

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.62, dated 23.03.2021, under Sections 363, 366-A of IPC (Sections 365, 368, 120-B IPC added lateron), registered at Police Station Lopoke, District Amritsar Rural.

Learned counsel for the petitioner prays for grant of regular bail by contending that in the statement that was recorded by the prosecutrix under Section 164 Cr.P.C., there is no allegation of abduction or the allegation of rape against the petitioner. In fact, the prosecutrix has clearly stated that she had left in the company of Amarbir on his motorcycle and that the petitioner had no role to play. The only reason that the petitioner has been roped in the said case is that the petition for protection was filed by the said prosecutrix i.e. CRWP-3232-2021 through the petitioner as her guardian seeking protection of life and liberty and the High Court had noted that the petitioner was not the guardian of Komalpreet Kaur and, therefore, action was sought to be taken against him. It is submitted that the matter has been investigated and the challan presented and the only role attributed to the petitioner in the said challan is that he presented the petition for protection claiming himself to be the guardian of the said prosecutrix. The trial in the

case is likely to take some time and once the challan has been presented, there is no likelihood of the petitioner hampering the investigation in any manner whatsoever. The petitioner is in custody since 21.03.2021.

Learned counsel appearing on behalf of the respondent-State, would oppose the grant of bail to the petitioner but not in a position to deny the fact that challan has been presented in the case.

I have heard learned counsel for the parties.

Keeping in view the fact that in the statement recorded under Section 164 Cr.P.C., the prosecutrix has stated that the petitioner had no role to play and she left her home in the company of one Amarbir and the fact that trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind the bars.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal bond in a sum of ₹50,000/- with one surety of like amount to the satisfaction of concerned trial Court/Duty Magistrate.

However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

16.09.2021

sanjeev

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