

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-21903 of 2020
Date of decision:18.01.2021

Baldeep Kumar

... Petitioner

Vs.

The State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Saurav Khurana, Deputy Advocate General, Punjab.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

The petitioner is seeking regular bail in case FIR No.29 dated 11.02.2020 registered under Sections 363, 366-A, 120-B (added later on) of Indian Penal Code, 1860 and Section 8 of The Protection of Children from Sexual Offences (POCSO) Act, 2012 (added later on) at Police Station Dugri, District Ludhiana.

Counsel for the petitioner has argued that the petitioner is innocent and he is not named in the FIR. He has been roped in on the basis of the statement of Dalip Singh and the role allegedly played by the petitioner is that he had helped the prosecutrix and Harman Singh to get a room on rent. Counsel urges that the prosecutrix has married the main accused, Harjinder Singh on 23.05.2020. He has placed reliance upon the

order dated 31.07.2020 (Annexure P-1) passed by this Court in CRM-M-21306 of 2020 whereby the main accused, Harjinder @ Harman @ Kala has been granted interim bail. According to the counsel, this order was made absolute on 28.10.2020. Reference has also been made by the counsel to the orders dated 15.07.2020 (Annexure P-2) and 28.08.2020 (Annexure P-4) whereby the co-accused Rajni and Dharminder Singh have been granted the concession of regular bail by this Court. Counsel submits that keeping in view the above facts, the petitioner has been granted the interim bail by this Court, vide order dated 28.10.2020.

Per contra, State counsel has opposed the petition and submitted that the allegations against the petitioner are of helping the main accused in getting the accommodation to stay with the prosecutrix, who had been kidnapped by him. Upon instructions from SI Rajandeep Singh, State counsel submits that the charge has been framed on 17.04.2020 and there are total 13 prosecution witnesses but none has been examined.

I have considered the rival submissions of the parties.

Keeping in view the above facts that the prosecutrix has already been married with Harjinder Singh and the main accused as well as co-accused have been granted the regular bail by this Court, this Court is of the view that the benefit of regular bail deserves to be extended to the petitioner.

Without commenting anything on the merits of the case, the petition is allowed and the order dated 28.10.2020 granting interim bail to the petitioner is made absolute. The petitioner is ordered to be released on

bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

January 18, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No