

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28443-2021 (O&M)

Date of decision: 24.11.2021

Kuldip Kumar @ Sonu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. N.S. Sidhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Brijesh Nandan, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.66 dated 22.11.2018 under Sections 344, 364, 307 IPC and Sections 325, 326, 201 IPC (added later on), registered at Police Station Mohkampura, District Amritsar; earlier one i.e. CRM-M-31145-2020 was dismissed as withdrawn on 13.10.2020.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered on the statement of one Sandeep Kumar, he was in touch with Sonia Baba, who was a transgender and on 08.11.2018, he was called by the accused persons and when he reached to meet Sonia Baba, two other

persons, who were also transgenders, were present there. They took him in a vehicle to some undisclosed place and later on, he became unconscious and when he gained conscious, he found that he is lying near railway crossing and the police called his family members and took him to the hospital, where the complainant came to know that his penis and testicals were chopped off from his body by Sonia Baba and other companions. It is further submitted that the petitioner is in custody for the last 01 year, 04 months and 02 days and he was not named in the FIR and main accused Sonia Baba has already died. It is also submitted that there is delay in registration of the FIR and the petitioner has circulated some video that he has been falsely implicated in the present FIR.

Learned State counsel, assisted by learned counsel for the complainant, has, however, opposed the prayer for bail on the ground that after arrest of main accused Sonia Baba, on the disclosure statement, the petitioner was nominated as a person, who was accompanying Sonia Baba and has committed the offence. Its further submitted that as per the investigation, the petitioner was driver of the car, in which the victim was kidnapped and was later on, his private parts were chopped off.

Learned State counsel has relied upon the MLR of the victim, which supports the case of the complainant. A perusal of the opinion given by Board of Doctors shows that victim Sandeep Kumar had injuries No.1 & 2 due to amputation of penis and excision of testes with stitches present with scrotal hematoma with folley's catheter in situ. It is further submitted that the complainant is yet to be examined and if the petitioner is granted the concession of regular bail, there is every possibility that he may try to influence the

witnesses or temper with the prosecution evidence, as he has already created some video.

After hearing learned counsel for the parties and considering the serious allegations against the petitioner, I find no ground to grant regular bail to the petitioner.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

24.11.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No