

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

(Through Video Conferencing)

CRM-M-30484-2021 (O&M)

Date of Decision: 10.08.2021

JAGDEEP SINGH

.....*Petitioner*

V/s.

STATE OF PUNJAB

.....*Respondent*

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

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

Mr. Luvinder Sofat, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

This is the first petition filed under Section 439 of the Code of Criminal Procedure for grant of concession of regular bail to the petitioner in case FIR No.0049 dated 08.05.2021 lodged under Sections 363, 366, 323, 341, 346 and 120-B of the Indian Penal Code, 1860 registered at Police Station Sadar Jagraon, District Ludhiana Rural, Punjab.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been arrayed as an accused after 45 days of alleged occurrence and that too in the statement of the complainant recorded under Section 161 of the Cr.P.C. wherein she has alleged that the petitioner was accompanying other co-accused in the Car when she was allegedly abducted by one of the co-accused. Learned counsel has submitted that the contents of the FIR in question clearly reveals that neither the petitioner was named in the FIR in question nor in the statement recorded under Section 164 Cr. P.C which was recorded soon after the recovery. He further submits that similarly

situated co-accused has since been extended the concession of bail vide order dated 13.07.2021. Hence, he too be extended the concession of regular bail.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Surjit Singh, has not been able to controvert the factual aspect of the submissions made by the learned counsel for the petitioner with respect to the role assigned to the petitioner by the prosecutrix and also to the fact that he was named after 45 days of the alleged occurrence and that too in the statement of the complainant recorded under Section 161 Cr.P.C.

Heard.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 19.06.2021, the trial is unlikely to conclude in the near future, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 10, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No