

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

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**CRM-M-29826-2020
Date of decision: 06.04.2021**

PARAMJEET SINGH
Versus
.....Petitioner

STATE OF PUNJAB
.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Manu Loona, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.40 dated 08.03.2019 registered under Sections 363 and 366-A of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Sadar Fazilka, District Fazilka to which Sections 376 and 506 of the IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the 'POCSO') were added later on.

The petitioner, who is in custody since 26.07.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State in terms of reply filed by way of affidavit of Jasbir Singh, PPS, Deputy

Superintendent of Police, Sub Division, Fazilka.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned counsel for the petitioner has submitted that the above said FIR was registered on statement of the mother of the prosecutrix who alleged that her youngest daughter aged about 13 and half years had been enticed away on the pretext of marriage by accused Baldev Singh @ Baggi. The victim girl child was recovered and in view of her statements Sections 376 and 506 of the IPC and Section 3 and 4 of the POCSO Act were added. Subsequently, the victim girl child was again enticed away by Baldev Singh @ Baggi. The petitioner being brother has been falsely implicated along with other members of family of accused Baldev Singh @ Baggi. Co-accused Maya Bai and Joginder Singh have been granted anticipatory bail by learned Sessions Judge, Fazilka. General and vague allegations have been made against the petitioner and there are no specific allegations against the petitioner. The petitioner is not alleged to have kidnapped or committed rape on the victim girl child. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that the allegations made against the petitioner are very serious. In view of the nature of accusation and gravity of offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, role attributed to the petitioner, the period of his custody and the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

06.04.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No