

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

219

**CRM-M-30087-2020
Date of decision: 07.04.2021**

KAMALJIT SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Puja Chopra, 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 petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.19 dated 23.02.2020 registered under Sections 354-D of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station, Kheri Gandian, District Patiala to which Section 306 of the IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO') were added later on.

The above said FIR was registered on statement of deceased girl child. Who alleged that in the year 2019 she was studying in Navyug Public School in 10+1. Kamaljit Singh (the petitioner) was also studying in her class. They were known to each other and the petitioner wanted to be friendly with her. Her father came to know

about the same and took her out of the above said school and got her admitted in Shri Guru Teg Bahadur Sahib Khalsa College Aakad in Gurudwara Neem Sahib. The petitioner kept following her and used to come to Radium English Speaking Institute opposite Punjabi University where she was going for some course. About 3-4 days back the petitioner met her and took photo with her and had also made a video clip and sent the same on the mobiles of others in order to blackmail her due to which she felt perturbed. Earlier, the petitioner had given a mobile phone hand set to her which was in the house of her parents. Due to being fed up she sprinkled kerosene oil on herself and set herself on fire.

Initially the above said FIR was registered under Section 354-D of the IPC but on death of victim girl child, Section 306 of the IPC and Section 12 of the POCSO Act were added later on.

The petitioner, who is in custody since 14.09.2017, has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State in terms of status report filed by way of affidavit of Jaswinder Singh Tiwana, P.P.S. Deputy Superintendent of Police, Circle Ghanaur, District Patiala.

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 petitioner has not committed any offence and has been falsely implicated in the case. The allegations against the petitioner are false and concocted. Statement of the deceased girl child was recorded in the

presence and at the instance of her father- Harnek Singh and due to his pressure the deceased girl child made wrong allegation in the same. The petitioner and deceased girl child had liking for each other. The father of the deceased girl child came to know about the same and forcibly got her admitted in different school. The deceased girl child had taken extreme step of committing suicide due to being fed up with the constraints/restrictions of her family particularly her father. The petitioner stopped meeting or talking to the deceased girl child who felt disturbed and sent whats app messages requesting him to meet and call her. The petitioner did not abet or aid commission of suicide by the deceased 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.

07.04.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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