

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-38535-2020

DATE OF DECISION: 18.02.2021

DAVINDER SINGH @ LADDI

... Petitioner(s)

Versus

STATE OF PUNJAB AND ORS.

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Baltej Singh Sidhu, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Mr. Satbir Singh, Advocate for respondents No.2 to 4.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.9 dated 13.01.2020, under Sections 363, 376 & 506 IPC, Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 & 4 of the Scheduled Caste and Scheduled Tribes, Prevention of Atrocities Act, 1989 (Section 366A IPC added later on), registered at Police Station Sadar Sri Muktsar Sahib, District Muktsar Sahib.

Learned counsel for the petitioner contends that it is alleged that the petitioner had enticed away the daughter of the complainant. He, however, contends that the petitioner and the daughter of the complainant were in a relationship. The matter has now been compromised. He has referred to the copy of the compromise at Annexure P-3. He further contends that the victim, in her deposition before the trial Court as PW-1, did not support the prosecution case *qua* the involvement of the petitioner. Copy of the statement is at Annexure P-4. The petitioner is 21 year of age. He is in custody for over 1 year and is not involved in any other criminal case.

Learned counsel for respondents No.2 to 4 states that there was misunderstanding between the parties and now the matter has been compromised.

Learned State counsel has filed custody certificate which indicates that the petitioner is in custody for 11 months and 30 days. He, however, contends that as the allegations against the petitioner are serious in nature, therefore, he is not entitled to concession of bail. He, upon instructions from SI Harjot Singh, contends that 4 out of 23 prosecution witnesses have been examined.

Heard.

In view of the above, especially when the petitioner is in custody for a year, the victim, in her statement before the trial Court, has not deposed qua involvement of the petitioner, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

18.02.2021

SwarnjitS

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