

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

236

**CRM-M-44510-2021
Date of decision: 14.12.2021**

Khadak Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.0040 dated 08.03.2019 lodged under Sections 363 and 366-A IPC (Sections 376 and 506 IPC read with Sections 3 and 4 of the POCSO Act were added lateron) registered at Police Station Sadar Fazilka, District Fazilka.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand only because he happens to be the real brother of the main accused-Baldev Singh @ Baggi, who allegedly enticed away the victim on the pretext of marriage. He further submits that no allegation has been levelled against the petitioner of any wrong doing and it was only in her statement recorded under Section 164 Cr.P.C., the victim for the first time alleged that while she was in the company of main accused Baldev Singh @ Baggi, the petitioner and his other family members lent

financial assistance to both of them. It has been submitted that since charges stand framed and the prosecution evidence is yet to commence, the trial would take a lot of time to conclude moreso since 18 prosecution witnesses have been cited by the prosecution. Learned counsel has also submitted that co-accused i.e. the parents of the petitioner against whom similar allegations were levelled, have already been extended the concession of anticipatory bail by the learned trial Court.

Per contra, learned State counsel while opposing the prayer of the counsel opposite, on instructions from ASI Harbans Singh, has not been able to controvert the factual aspect of the submissions made by the counsel opposite qua the role attributed to the petitioner in the crime in question. Learned State counsel on instructions has submitted that the prosecution evidence is due to commence on 09.02.2022.

I have heard learned counsel for the parties and perused the material on record.

In view of the aforementioned facts and circumstances as well as the submissions made by learned counsel, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

14.12.2021

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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