

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

Criminal Misc.-M No.39675 of 2020

Date of Decision: May 28, 2021

Satveer Singh @ Rinku

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mandeep Singh Dhaliwal, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.196 dated 09.07.2019, under Sections 346, 120-B IPC, 1860 and Sections 376, 511 IPC (added later on), registered at Police Station, Bhawanigarh, District Sangrur. The petitioner is in custody since his arrest on 16.07.2019.

The above FIR was registered on the statement of Lakhwinder Singh complainant, wherein it was stated that he has one sister Kavita Rani, aged about nineteen years. On 02.07.2019, his paternal uncle's son Gagandeep Singh along with his sister Kavita Rani went to Shri Balaji Cafe in Anaj Mandi, Bhawanigarh for getting print out of her roll number. When they were returning, his Aunt's (Massi) son Satvir Singh @ Rinku, who was living in their house for around two months, met them standing under a tree in front of Palledar Union Bhawanigarh. He stopped Gagandeep Singh and made him to talk to Raman Singh on his phone, who is also son of his

Massi. Raman asked Gagandeep Singh to pick him from New Bus Stand Bhawanigarh and accordingly Gagandeep Singh went on motorcycle to pick up Raman, but he was not found present there. Gagandeep Singh again came back to Palledar Union, but neither his sister Kavita Rani nor Satvir Singh @ Rinku were found there. Later on, he came to know that Satvir Singh @ Rinku, Raman Singh and five more boys, took her in Innova car bearing No.PB-11-BY-6653. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that as per prosecution, the alleged offence amounts to attempt to rape and after recording evidence of the victim, prosecution moved an application under Section 319 Cr.P.C. for summoning additional accused and the same was allowed vide order dated 21.01.2021. According to him, now the case is pending for appearance of the additional accused. He submits that the petitioner is not keeping good health and has been advised surgery and in this regard, invited the attention of the court to the medical report dated 27.05.2021 filed by way of affidavit of Gurpreet Singh, PPS, Deputy Superintendent, Maximum Security Jail, Nabha, which indicates that he needs surgical intervention. The report reads as under:-

“Patient is known case of O/C non union of fracture of R femur intertrochantric region. Patient was initially examined by ortho specialist at Civil Hospital, Nabha and all the necessary tests and X-Rays were done and then patient was referred to Rajinder Hospital Patiala for their management. Patient visited Rajindra Hospital on 07.04.2021 vide Reg.no.6192 ortho department advised for surgery as treatment. Due to Covid-19 as per government guidelines surgery was not performed and patient was advised to come for surgery after the Covid gets over and government gives permission to start

the planned surgeries in government hospitals. Presently patient is kept in jail hospital on bed under observation until he gets his surgery done. All the necessary documents and treatment charges and referral slips attached with this letter.”

It is pointed out that in all there are twenty two prosecution witnesses and, therefore, conclusion of trial will take considerable time to conclude. He prays for bail.

On the other hand, learned State counsel, assisted by SI Jagtar Singh, has not opposed the above factual aspect. He, on instructions, states that the petitioner is in custody since his arrest on 16.07.2019, who is not involved in any other case, much less of similar nature. Reference is made to the custody certificate filed by way of affidavit of Karnail Singh, Assistant Superintendent, Maximum Security Jail, Nabha.

After hearing the learned counsel for the parties and considering the custodial period of the petitioner, this Court is of the opinion that though the trial has commenced, but there does not seem to be any possibility of its conclusion in near future. The material witnesses are either the victim, her close relatives or police officials, and there does not seem to be any possibility of their being won over. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the governments of Punjab, Haryana and U.T.Administration, Chandigarh to impose various restrictions to clampdown the contagion, and it would further delay the conclusion of trial. Thus, his further detention behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 16.07.2019.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner

be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Sangrur.

May 28, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No