

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-1028 of 2022
Date of decision:11.03.2022

Chanpreet Singh @ Preet and another ... Petitioners

Vs.

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Dinesh Nagar, Advocate with
Ms. Vibha Nagar, Advocate
for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 439 Cr.P.C seeking grant of regular bail to the petitioners in case FIR No.0080 dated 23.08.2021 registered under Sections 363, 366-A of Indian Penal Code, 1860, however, Sections 376, 120-B, IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012, were added later on, at Police Station Sadar Nawanshahr, District SBS Nagar (Annexure P-1).

As per the version of the prosecution, FIR (Annexure P-1) has been registered on the statement of father of 16 years old girl on the allegation that his elder daughter aged, 16 years, has been missing from home since the night intervening 21/22.08.2021 and despite extensive search, he has not been able to locate her. He has alleged that he came to know that Nishan Singh @ Shahna (petitioner No.2) has enticed her on the

promise of marriage.

At the outset, counsel for the petitioners seeks and is granted permission to withdraw the petition insofar as petitioner No.2 is concerned and submits that petition be entertained qua petitioner No.1 alone.

Petition is dismissed as withdrawn qua petitioner No.2.

Counsel representing petitioner No.1 submits that petitioner No.1 is neither named in the FIR nor has he alleged to have sexually assaulted the minor-victim. It is his argument that role attributed to petitioner No.1 is that he was accompanying Nishan Singh-petitioner No.2, when the victim ran away from her home. Counsel has made a reference to the testimonies of the victim, PW-1, her mother, PW-2 and her father-complainant, PW-3, which are appended as Annexures P-2, P-3 and P-4, respectively, to submit that all the three material witnesses have turned hostile. He submits that petitioner No.1, who is in custody since 28.08.2021 deserves to be enlarged on bail as he enjoys clean past and is no longer required for custodial interrogation.

State counsel, upon instructions from ASI Amarjit Kaur, has opposed the petition and made a reference to the statement of the victim recorded under Section 164 Cr.P.C as well as her medical examination. Upon instructions, he could not deny the fact that there is no allegation of any physical abuse against petitioner No.1. He has further instructions to state that 14 out of total 18 prosecution witnesses, have been examined.

Heard counsel for the parties.

Keeping in view the role ascribed to petitioner No.1, period of his incarceration, stage of trial and the fact that statement of crucial witnesses have already been recorded, this Court is of the opinion that petitioner No.1 would be entitled to be released on bail.

The petition is allowed qua petitioner No.1 and petitioner No.1- Chanpreet Singh @ Preet is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

This order is being passed without examining the arguments raised by counsel for the parties.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

March 11, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No