

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

(Sr. No.211)

CRM-M No. 1977 of 2022

Date of decision : 12.07.2022

Sonu Singh @ Sonu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Ramandeep, Advocate for the petitioner.
Mr. Balbir Singh Sewak, Addl. A. G., Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.0222 dated 27.08.2021 registered under Sections 363, 366-A and 120-B IPC at Police Station Anaj Mandi, district Patiala.

The case of the prosecution is that the petitioner along with co-accused Abhinandan @ Kaku and Arti (Abhinandan's mother) kidnapped a minor girl.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the petitioner has no other criminal case pending against him; the petitioner is in custody since 02.10.2021; as per the case of the prosecution co-accused Abhinandan @ Kaku and Arti kidnapped the prosecutrix and the petitioner was part of such conspiracy; the prosecutrix while appearing as a prosecution witness in the inquiry

before the Juvenile Justice Board, Patiala (for short - the Board) against Abhinandan @ Kakku, who was a juvenile, has specifically deposed that she was never kidnapped and on the date she is alleged to have been kidnapped, she was present in her house for the whole day; her mother - Kismati Devi while appearing before the Board has also deposed on the same lines; on the basis of the afore depositions, through order dated 09.03.2022, Abhinandan @ Kakku has been acquitted by the Board and that in the light of the afore submissions further incarceration of the petitioner is not necessary.

Learned State counsel does not dispute the afore averments but opposes the grant of bail to the petitioner on the ground that the petitioner's trial is still to take place and there is adequate evidence with the State to convict him.

The case of the prosecution is that Abhinandan @ Kaku along with his mother Arti kidnapped the prosecutrix. Since Abhinandan @ Kaku was a juvenile, his case has already been inquired into by the Board. During the course of such inquiry, the prosecutrix and her mother have specifically deposed before the Board that the prosecutrix was never kidnapped. On such basis Abhinandan @ Kaku has been acquitted by the Board.

In the light of the above development and because the petitioner is in custody since 02.10.2021; investigation in the case is complete; there is no other criminal case pending against the petitioner and that petitioner's trial which is yet to commence is likely to take a long time to conclude, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to

the satisfaction of the CJM/Duty Magistrate, Patiala the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

12.07.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No