

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

(Sr. No. 214)

CRM-M-17956 of 2022

Date of decision : 12.05.2022

Raghbir Singh

.....Petitioner

Versus

State of Punjab

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Kuljit Singh Bal, Advocate for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

Mr. Sandeep Berwal, Advocate for the complainant.

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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.30 dated 16.03.2022 registered under Sections 363, 366 and 120-B IPC at Police Station Kathunangal, district Amritsar (Rural).

Briefly stated, the case of the prosecution is that on 14.03.2022 the complainant's daughter, who is a minor, was enticed away by co-accused Arjanbir Singh, which act on the part of Arjanbir Singh was abetted by the petitioner, who is his father.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case only because he is the father of the main accused Arjanbir Singh who is alleged to have enticed away the

complainant's daughter; the petitioner has no role whatsoever in the disappearance of the complainant's daughter; there is no other criminal case pending against the petitioner; there is an unexplained delay of 2 days in lodging of the FIR in question; the petitioner is in custody since 19.03.2022; investigation in the case qua the petitioner is complete and therefore, the petitioner is not in a position to influence the same and that the alleged victim while appearing before the Magistrate under Section 164 Cr.P.C. has specifically stated that on 14.03.2022 at about 04:30 p.m. she had on her own initially gone to the Golden Temple at Amritsar and from there left with a group of devotees to Sri Anandpur Sahib, thus giving a clean chit to the petitioner.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he abetted the alleged victim's disappearance and that the main accused Arjanbir Singh is still to be apprehended.

The petitioner is in custody since 19.03.2022; there is no other criminal case pending against him; investigation in the case qua the petitioner is complete and that on 20.03.2022 the alleged victim appeared before the Magistrate under Section 164 Cr.P.C. and gave a clean chit to the petitioner by stating that on 14.03.2022 she had gone on her own initially to the Golden Temple at Amritsar and then with a group of devotees to Sri Anandpur Sahib.

In view of the above, 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, Amritsar, 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.

12.05.2022
sunil yadav

(DEEPAK SIBAL)
JUDGE

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