

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-23617-2022 (O&M)
Date of Decision:-26.7.2022

Sukhwinder Kumar @ Sheru

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Arora, Advocate for the petitioner.

Mr. A.S. Sandhu, AAG, Punjab.

Mr. Manit Malhotra, Advocate for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.121, dated 24.5.2017, Police Station Sadar Jalandhar, under Sections 323, 341, 201, 379-B of Indian Penal Code and Section 66 of I.T. Act, 2000.
2. The FIR was lodged at the instance of Harwinder Kaur @ Minti, wherein it is alleged that she had got to know Amit Sampla pursuant to a 'friend request' received through 'Facebook' on 23.3.2016, which she had accepted and they became fast friends. Amit Sampla had also proposed to marry her but the complainant told him that she had never thought about marriage. It is alleged that on 27.3.2016 she alongwith Amit Sampla had gone to Jalandhar to

attend the marriage, where he gave her something to drink and upon drinking the same, she lost some consciousness and he forcibly established physical relations with her. Later when the complainant insisted on marrying him, he kept on putting off the matter on one pretext or other but continued establishing physical relations with her. It is alleged that on 26.4.2017 the complainant made a telephone call to the family of accused stating that she wants to meet the family and pursuant thereto when she went to their house, she was given beatings by Sahil Sampla, Sheru (petitioner) and some unknown ladies. It is further alleged that Sahil Sampla forcibly snatched 3 mobiles, which she was carrying, her bag containing glasses of Ray Ban, Perfume, power bank, charger, and other cosmetic articles amounting to Rs.2,000/-, ID proof etc. It is further alleged that Sahil Sampla and Sheru also tore her clothes and ran away taking all of her articles.

3. Learned counsel for the petitioner submitted that it is a case where the complainant was having some relations with Amit Sampla, which turned sour on account of which the FIR came to be lodged. It has further been submitted that the petitioner has nothing to do with the family of Amit Sampla and that there is no evidence to connect him with the alleged occurrence.
4. On the other hand, learned State counsel assisted by learned counsel for the complainant has submitted that the petitioner is working as a driver with the family of Amit Sampla and that since he is specifically named in the FIR and specific allegations have been levelled against him, he does not deserve the concession of bail.
5. It has further been pointed out that while the FIR was lodged in the year 2017, the petitioner had been evading his arrest for about 5 years and which

would show that he has tendencies to flee from justice and that in case granted bail, there is every likelihood that he would misuse the concession of bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 3½ months and that till date not even a single PW out of the cited 11 PWs has been examined. It has also been informed that the petitioner is not involved in any other case.

6. I have considered rival submissions addressed before this Court.
7. Without commenting anything as regards merits of the case but while noticing that the petitioner has been behind bars since the last about 3½ months and challan stands presented and that the trial has not even commenced till date inasmuch as even charges have not been framed so far though 11 PWs have been cited, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

26.7.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No