

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

CRM-M-41935-2020

Date of Decision: 11.7.2022

Jagdhir Singh @ Mandhir Singh @ Dheera Petitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gurpal Singh Sandhu, Advocate, for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.96 dated 27.7.2020, registered under Sections 363, 366-A IPC (Sections 376,34 IPC and Sections 5, 6, 17, 8 of POCSO Act, 2012 added during investigation), at Police Station Sadar Faridkot, District Faridkot.

Learned counsel for the petitioner submits that the FIR in question was lodged on the statement of Nachhattar Singh, wherein it was alleged that the date of birth of his minor daughter is 28.12.2005. On 26.7.2020, Saminder Lal @ Rahul had taken away his daughter by alluring her on the pretext of performing marriage with him. They started searching his daughter, however, failed to search her. Thereafter, he received a phone call from his relative from village Moranwali that his daughter is sitting in Gurudwara Sahib of village Moranwali. On reaching, he found his daughter sitting in scared and frightened condition. On his asking, she disclosed that in the night Saminder Lal took her alongwith him on the pretext of marriage and thereafter left in the Gurudwara Sahib and did not return. It was also told that Dheera @ Mandhir i.e. the petitioner also accompanied him. The

FIR was lodged to take legal action against the accused. On commencement of the investigation, the petitioner was arrested on 3.9.2020.

The petitioner approached the learned Additional Sessions Judge, Faridkot for grant of bail, who after hearing the parties, declined the same vide its order dated 3.11.2020. Aggrieved by the same, the petitioner approached this Court by way of filing the present petition for grant of regular bail.

During the course of hearing, learned counsel for the petitioner submits that this Court granted interim bail to the petitioner and the co-accused vide order dated 1.4.2021. He submits that the petitioner was granted interim bail during the lock down and thereafter, by virtue of the common order, he remained on interim bail till date. He submits that only allegation against the petitioner is that he helped the co-accused Saminder Lal @ Rahul in the alleged kidnapping to the victim. He submits that both the petitioner and the co-accused were granted interim bail and this Court vide order dated 4.5.2022 has allowed the bail of the co-accused. He submits that the case of the petitioner is on better footing than the co-accused and he has never misused the concession of interim bail. He submits that even otherwise the material witnesses have already been examined by the trial Court and the petitioner is very much on interim bail and never tried to scuttle or tamper with the on going trial. He submits that the petitioner has no criminal antecedents as he has never been involved in any other criminal case, thus, deserved to be granted regular bail.

Learned State counsel has submitted that the petitioner has duly facilitated the offence. She candidly acknowledges that the co-accused has already been granted bail by this Court as he was juvenile. She also placed on record short reply by way of affidavit of Parvinder Singh,

Superintendent, Central Jail, Ferozepur in compliance of the order dated 27.9.2021 and submitted that the interim bail of the petitioner was in operation till 19.5.2021 and he never surrendered thereafter. She submits that out of total 21 prosecution witnesses, 8 witnesses including the victim, have already been examined

Heard.

It is apparent that the main accused in the case Saminder Lal @ Rahul has already been granted bail by this Court, though he was juvenile, however, both the accused were granted interim bail by virtue of order dated 1.4.2021. It is also submitted that the said interim bail granted to the petitioner remained in operation on account of common order passed by this Court during lock down period. However, there is nothing on record showing that the petitioner ever misused the concession of interim bail. It is also submitted before this Court that the material witnesses already stands examined.

The veracity of the allegations would be evaluated by the trial Court only after conclusion of the trial. In the overall facts and circumstances of the case, I am of the opinion that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and order dated 1.4.2022 is made absolute.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11.7.2022
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No

(RAJESH BHARDWAJ)
JUDGE