

CRM-M-51212-2022

Date of decision: 11.11.2022

JASWINDER SINGH @ SHINDA SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kamaldeep Singh Sidhu, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Jaswinder Singh @ Shinda Singh-petitioner is seeking regular bail in the case bearing FIR No.72 dated 22.9.2022 under Sections 376/120-B IPC, 1860, registered at Police Station Lakhewal, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that the prosecutrix is married lady having two children. Sandeep Singh, co-accused is the brother of the petitioner. The prosecutrix and Sandeep Singh had been earlier residing in Kuwait, where they developed intimacy with each other. As per the allegations, Sandeep Singh had developed physical relations with the prosecutrix on the pretext of solemnizing marriage. It has been further contended that the marriage could not be solemnized as the prosecutrix has not secured divorce from her husband and her marriage with Mukesh Kumar is still subsisting. The only allegation against the petitioner is to the effect that he along with his wife approached the prosecutrix and told that they will not allow her to perform marriage as she was having two children. The marriage of the prosecutrix with

Sandeep Singh, the brother of the petitioner could not be solemnized on account of already subsisting marriage of the prosecutrix with Mukesh Kumar.

Learned State counsel has opposed the bail application on the score that the matter is still at the stage of investigation.

Be that as it may, the custodial interrogation of the petitioner is over and he has been remanded to judicial custody. The petitioner is in custody for a period of 01 month and 18 days. The allegations with regard to sexual assault have not been attributed against him. The only allegation against the petitioner is to the effect that he along with his wife had approached the prosecutrix and informed that the marriage of the brother of the petitioner could not be solemnized with her as she was having two children and furthermore, the marriage in fact could not be solemnized as the prosecutrix was having subsisting marriage with Mukesh Kumar. Furthermore, Rinku Kaur, the wife of the petitioner has been granted interim bail by this Court in terms of order dated 14.10.2022 passed in CRM-M-47011-2022. The presentation of challan and conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

11.11.2022

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No