

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-11679-2023

Date of Decision: 11.09.2023

Arjan Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. HS Kehal, Advocate for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 2nd petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 0139 dated 14.08.2022 registered under Sections 363, 366, 366-A and 120-B IPC (Section 376D IPC and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, were added subsequently) at Police Station Majitha, Amritsar Rural.

The aforesaid FIR was registered on the basis of statement of father/complainant of the victim which is reproduced as under:-

“Statement of Jaswant Singh S/o Bhan Singh resident of Jethnangal P.S. Majitha Amritsar aged about 43 years mobile 84371-51607 stating that I am resident of mentioned address and works as a labourer. I have two male children and one girl child. Elder boy is Shamsher Siing and younger boy name is Harman Singh. Youngest of both is girl named as Sumanjit Kaur who is 16 years old. On the date of 10-08-2022 our whole family was sleeping. When I woke up at

about 2:00 am during night I saw that my daughter Sumanjit Kaur was not in her bend and I am searching for her till now but failed. Out neighbour Amritpal Singh @ Ambu s/o Inder Singh was having bad eye on my daughter. I am fully sure that Amritpal Singh @ Ambu along with his friend Gurpreet Singh @ Gopi s/o Hira Singh and Arjan Singh S/o Kulwinder Singh r/o of Jethunangal enticed my daughter Sumanjit Kaurt and took her along with him from my home under the pretext of marriage. My daughter Sumanjit Kaur be searched and strict legal action be taken against the accused”.

Learned counsel for the petitioner, *inter alia*, submits that petitioner has been falsely implicated in the present case. He is not the main accused in the matter. It is submitted that the only role attributed to the petitioner is that he was accompanying the main accused, namely, Amritpal Singh, at the time of alleged incident. Even the victim in her statements recorded under Sections 161 and 164 Cr.P.C., has clarified that the petitioner has not committed any wrong act with her. It is further submitted that even the victim, her father/complainant as well as mother of the victim, all have admitted in their testimonies before the trial Court that the present petitioner has not committed any wrong act with the victim. The petitioner has been in custody since 14.08.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner may be released on regular bail.

Learned counsel for the State does not dispute the aforesaid facts. Further, learned counsel for the State has filed custody certificate dated 10.09.2023, which is taken on record, as per which the petitioner

has been in custody as an undertrial for a period of 01 year and 22 days. Learned counsel for the State submits that out of total 15 prosecution witnesses, 05 have already been examined by the trial Court, including the material witnesses.

Having heard learned counsel for the parties, but without commenting on merits of the case, keeping in view the totality of the facts and circumstances of the case including the fact that all the material witnesses have already been examined by the trial Court and the petitioner is not involved in any other case, as well as the fact that conclusion of trial will take some time, the present petition is **allowed**.

The petitioner-Arjan Singh S/o Kulwinder Singh, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

11.09.2023
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No