

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

214

Criminal Misc. No. M-12435 of 2023

Date of decision :-06.07.2023

Arshpinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Neeraj Jain, Advocate
for the petitioner.

Mr. Pankaj Khullar, AAG, Punjab.

NIDHI GUPTA J. (Oral)

The petitioner is seeking regular bail during pendency of the trial in case FIR No.169 dated 07.11.2022, under Sections 363 and 366-A IPC, registered at Police Station Kabarwala, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the petitioner is a young boy of 20 years and was in relationship with the daughter of the complainant and the petitioner alongwith the girl (complainant's daughter) had approached this Court seeking protection by filing CRWP-10498-2022. At that time, the girl was minor, therefore, she was sent to Aashiyana, Sector 15, Chandigarh and on 15.3.2023, she attained majority. Learned counsel further submits that the girl had also made statement twice before the

Court that she does not want to go to her parental house in any manner. The petitioner is willing to continue with the relationship. It has specifically been mentioned in the order dated 18.5.2023 passed by co-ordinate Bench of this Court in the said CRWP-10498-2022 that the girl wants to go alongwith the boy (petitioner herein) as per her own free will, wishes and without any pressure or coercion and her parents also did not opposed the same. Accordingly, the petition stand disposed of. Learned counsel further submits that vide order dated 05.05.2023 passed by co-ordinate Bench of this Court in this very petition, the petitioner was granted interim bail for a period of 09 weeks and tomorrow is the date of surrendering of the petitioner before the jail authorities. He submits that since the girl has already attained majority and happily and willingly living with the petitioner, therefore, the petitioner be granted regular bail in the matter during pendency of the trial.

Learned State counsel has filed the status report by way of affidavit of Balkar Singh, PPS, Deputy Superintendent of Police, Sub Division, Malout, District Sri Muktsar Sahib. The same is taken on record. As per the status report, the challan has already been filed and charges were framed on 23.2.2023 and the case is fixed for 11.7.2023 for recording of prosecution evidence. He submits that out of total 21 prosecution witnesses, no witness has been examined so far. However, learned State counsel does not dispute the factum of filing of petition for protection of life and liberty by the petitioner and the daughter of the complainant bearing CRWP-10498-2022, which has been disposed of vide order dated 18.5.2023.

I have heard learned counsel for the parties and gone through the case file carefully.

Considering the facts as detailed above and status of the case, further detention of the petitioner is not justified. Without commenting anything upon merits of the case and considering the custody and status of the trial, the petitioner, namely, Arshpinder Singh is admitted to regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

July 06, 2023

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No