

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**217****CRM-M No.18748 of 2023****Reserved on : 04.09.2023****Date of Decision : 06.09.2023**

Deep Singh @ Kamaldeep Singh @ Jhota

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Tajinder Pal Singh Makkar, Advocate for the petitioner.

Mr. Harjinder Singh Sidhu, AAG Punjab.

ALKA SARIN, J.

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.0184 dated 27.07.2022 under Sections 363, 366-A and 120-B of the Indian Penal Code, 1860 registered at Police Station Lambi, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner would contend that the petitioner is in custody for a period of 01 year and 27 days and out of 16 prosecution witnesses only 03 stand examined. However, the victim, complainant and father of the victim have been examined. Learned counsel for the petitioner would further contend that the challan has been presented in the present case under Sections 363, 366-A and 120-B IPC. Learned counsel for the petitioner has also contended that the victim in her statement has categorically stated that the petitioner did not develop any physical relations with her during the period she remained missing. Learned counsel for the petitioner has also pointed out that in the cross-examination the

victim had admitted that she has known the petitioner for a period of 2-3 years and that the petitioner had taken her to Dabwali on 2-3 occasions. It is submitted that the co-accused stand granted bail.

3. Custody certificate has been filed by learned State counsel. As per the custody certificate the petitioner has been in custody for a period of 01 year and 27 days. The statements of the material witnesses i.e. victim, complainant as well as father of the victim stand recorded. Learned State counsel is also not in a position to dispute the fact that two other co-accused have been granted bail.

4. I have heard learned counsel for the parties.

5. In the present case the statements of the victim, complainant and father of the victim stand recorded. The petitioner has been in custody for a period of 01 year and 27 days. In the statement recorded before the Court the victim has specifically stated that the petitioner did not develop physical relations with her during the period she remained with the petitioner.

6. Without commenting on merits of the case and keeping in view the custody period of the petitioner as well as the fact that the material witnesses stand examined and that out of 16 witnesses only 03 have been examined and also the fact that the conclusion of trial is likely to take sometime, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8 It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

06.09.2023
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO