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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34419-2022

Date of Decision:- 21.04.2023

Sandeep Singh alias Deep Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. A.K. Khunger, Advocate
for the petitioner.

Mr. M.S.Joshi, Addl. A.G. Punjab.

Mr. K.D.S. Sidhu, Advocate
for the complainant.

AMARJOT BHATTI, J. (Oral)

The petitioner – Sandeep Singh alias Deep Singh has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 0156 dated 01.11.2021, under Section 363, 366-A of IPC (offence under Section 376 of IPC and Section 6 of POCSO Act added subsequently vide DDR No. 42 dated 02.04.2022), registered at Police Station Khuian Sarwar, District Fazilka.

The facts of the case are that the complainant Malkiat Ram gave his statement to the police that he is residing in Village Panni Wala Mahla, in the fields of Nachhattar Singh for the last about 10-11 years. He is having two children. On 18.10.2021, at about 10:00 P.M., he had gone to

04:30 A.M., when he returned home, he saw that his daughter i.e. the victim was not present in the house. He tried to locate her whereabouts but could not find her. The entire family suspected Sandeep Singh @ Deepa and the entire family went to the house of Pappu Singh father of Sandeep Singh. After meeting him, now they are sure that Sandeep Singh has enticed away his daughter by giving some allurements. Pappu Singh and his wife Veerpal Kaur also helped them, whereas, Ajay Singh helped the couple in running away by giving motorcycle. With these allegations, present FIR has been registered.

The counsel for the petitioner argued that the allegations levelled against him are false. The statement of said victim has been recorded under Section 164 Cr.P.C. where she has supported the case of the petitioner. She categorically stated that she was in love with the petitioner and wanted to marry him but her parents were not happy with this marriage proposal. The copy of statement under Section 164 Cr.P.C. is Annexure P-1. It is argued that the statement of victim is also recorded as PW-1 where she has not supported the prosecution story and was declared hostile. She denied to have given any statement to the police. It is argued that petitioner is in custody since long. He will abide by the terms of bail order. Therefore, his regular bail application may be allowed.

The bail application is opposed by learned counsel representing the State as well as learned counsel for the complainant. It is argued that there are specific serious allegations against the present petitioner. Section 6 of the POCSO Act is also involved. Considering the gravity of offence, the bail application filed by the petitioner may be dismissed.

I have considered the arguments and have gone through the record carefully. It is matter of record that challan is already presented and

the trial in this case is going on. The statement of the victim recorded before the Magistrate under Section 164 Cr.P.C. is Annexure P-1. The statement of the victim recorded before the Court is PW-1, where she has not levelled any allegations against the present petitioner. The trial of this case is going on. As per the custody certificate, the petitioner is in custody since 08.09.2021. Trial of this case may take some time. Considering the aforesaid facts, the regular bail application filed by the petitioner – Sandeep Singh @ Deep Singh is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

The petition is, accordingly, accepted.

21.04.2023
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No