

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-37287-2022

Date of Decision: 21.03.2023

Jagmeet Singh @ Babbu

.... Petitioner

Versus

State of Punjab

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

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

Mr. J.P. Ratra, Sr. DAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 19.03.2023, filed by learned counsel for the State is taken on record.

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 70 dated 08.06.2013 registered under Sections 365, 384 and 506 IPC at Police Station Gidderbaha, District Sri Muktsar Sahib.

Briefly, the aforesaid FIR was registered in the year 2013 on the statement of complainant-Sarabjit Kaur, to the effect that the petitioner along with his wife-Manjit Kaur, was residing in their house on rent. Manjit Kaur got estranged with the petitioner and went to her parental house two months before the date of occurrence. Thereafter, the petitioner alone was residing in the room taken by him on rent. On 07.06.2013, the petitioner took the son of complainant, namely,

Akashdeep out of the house without her consent and when they not returned till night, then she asked the petitioner on telephone that why he took her son out of the house, upon which the petitioner told her that he will bring back her son in the next morning. On the next morning when the petitioner did not return back, then she again asked the petitioner on telephone who told her that until or unless she will not bring back his wife, he will not return her son and also threatened the complainant with dire consequences. The complainant informed about the aforesaid incident to her relatives and she along with her maternal uncle-Kulwant Singh tried to search her son, but he was not found.

Perusal of the file shows that the present FIR was registered in the year 2013 and as per record, the petitioner got absent on 13.09.2013, after presentation of challan and was declared as proclaimed person on 15.01.2015. Thereafter, he was arrested on 12.02.2022 i.e. after about 07 years.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the instant case. The petitioner was not aware of the proceedings and he did not appear before the trial Court, therefore, he was declared as proclaimed offender on 15.01.2015. Petitioner is in custody since 12.02.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. More so, co-accused of the petitioner who was facing trial had already been acquitted by the trial Court vide judgment of acquittal dated 18.04.2016 (Annexure P-3). Thus, it is prayed that the petitioner may be released on regular bail.

On the other hand, learned counsel for the State vehemently opposed the submissions of learned counsel for the petitioner.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner and the fact that co-accused of the petitioner who was facing trial had already been acquitted by the trial Court vide judgment of acquittal dated 18.04.2016 (Annexure P-3), but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Jagmeet Singh @ Babbu, is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

March 21, 2023
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(ASHOK KUMAR VERMA)
JUDGE

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