

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**234****CRM-M No.36741 of 2023****Date of Decision : 06.11.2023**

Kuldeep Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Balkaran Singh Aulakh, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J. (Oral)

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.25 dated 04.02.2023 under Sections 363, 366-A and 376 of the Indian Penal Code, 1860 (Sections 120-B IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 were added later on) registered at Police Station Lambi, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the present case being brother-in-law of the main accused. Learned counsel for the petitioner would further contend that the petitioner was not named by the victim in her statement recorded under Section 164 CrPC and was named only by the complainant in his supplementary statement as having allowed the main accused to keep the victim in his house.

3. Status report by way of affidavit of Sh. Jaspal Singh, PPS, Deputy Superintendent of Police, Sub Division Lambi, District Sri Muktsar Sahib has been filed. Along with the status report statement of the victim recorded under Section 164 CrPC has also been appended. As per the statement, the victim has only named the main accused, namely, Gurpreet Singh, who is already in custody.

4. Custody certificate has been filed by learned State counsel as per which the petitioner has been in custody for a period of 08 months and 29 days.

5. Learned State counsel is not in a position to deny the fact that the victim in her statement recorded under Section 164 CrPC has only named the main accused, namely, Gurpreet Singh. It has also been pointed out that none of the witnesses have been examined till date.

6. I have heard learned counsel for the parties.

7. In the present case the victim in her statement recorded under Section 164 CrPC has not named the petitioner. However, the complainant in his supplementary statement has named the petitioner alleging therein that he has allowed the main accused to keep the victim in his house. There is no other incriminating evidence on the record *qua* the petitioner herein. The petitioner has already been in custody for a period of 08 months and 29 days.

8. In view of the above and without commenting upon the merits of the case, 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 bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

9. 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.

10. 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.

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

(ALKA SARIN)
JUDGE

06.11.2023
jk

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