

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-40605-2023 (O&M)

Date of Decision : 15.11.2023

SANDEEP SINGH

.... Petitioner

VERSUS

STATE OF PUNJAB

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Tanvir Joshi, Advocate for
Mr. B.S. Aulakh, Advocate 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; Sections 376, 120-B of the Indian Penal Code, 1860 and Section 4 of Protection of Children from Sexual Offences Act, 2012 (added later on) registered at Police Station Lambi, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner would contend that the petitioner is at parity with co-accused namely, Kuldeep Singh, who has since been granted the concession of regular bail by this Court in CRM-M-36741-2023 vide order dated 06.11.2023. Learned counsel would further contend that the petitioner is a friend of the main accused and was not named by the victim in her statement recorded under Section 164 of CrPC. The name of the petitioner surfaced for the first time when the complainant got his

supplementary statement recorded alleging therein that the petitioner was also accompanying the main accused.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of six months and nine days. Learned counsel for the State is not in a position to deny the fact that co-accused namely, Kuldeep Singh, has since been granted the concession of regular bail by this Court in CRM-M-36741-2023 vide order dated 06.11.2023. Learned counsel is also not in a position to deny the fact that the victim in her statement recorded under Section 164 of CrPC has not named the petitioner and for the first time it was only in the supplementary statement of the complainant that the name of the petitioner has surfaced.

4. Heard.

5. In the present case similarly situated co-accused has since been enlarged on bail by this Court vide order dated 06.11.2023 passed in CRM-M-36741-2023. The victim in her statement recorded under Section 164 of CrPC has not named the petitioner and it was in the supplementary statement of the complainant that the name of the petitioner has surfaced with the allegation that he was accompanying the main accused. There is no other incriminating evidence against the petitioner. The petitioner has been in custody for a period of six months and nine days. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems 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.

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.

15.11.2023
Aman Jain

(ALKA SARIN)
JUDGE

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