

2023:PHHC:143902
202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-46646-2023 (O&M)
Date of decision: 13.11.2023

Jagdeep Singh @ Jagga

....Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- None for the petitioner
Mr.Vikas Arora, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

Through this petition, the petitioner prays for grant of bail pending trial in a criminal case arising from FIR no.91, dated 31.07.2015, registered under Section 363, 366-A, 468, 471 IPC at Police Station Amloh, District Fatehgarh Sahib.

Though, the learned counsel representing the petitioner is not present, however, this Court has gone through the paperbook.

The facts of the case reveal a shocking situation. Originally, an FIR was registered by Rajwinder Kaur's father alleging that his juvenile daughter has been kidnapped. The FIR no.91 dated 31.07.2015 registered under Section 363, 366-A, 468, 471 IPC was registered. The petitioner and Ms. Rajwinder Kaur had a liking for each other. They got married and sought protection from the High Court against their life and personal liberty, which was duly granted by the Court. Thereafter, they continued to live together as husband and wife for a period of nearly 4 years and were blessed with a girl child. It appears that subsequently there was

some marital discord between them. Thereafter, the FIR registered on 31.07.2015 was taken up by the police. The petitioner was released on bail vide order dated 18.11.2019 after noticing all these facts. On account of the petitioner's default in appearing in the court on 27.01.2023, the bail bonds furnished by the petitioner were forfeited and the bail was cancelled. He was declared a proclaimed offender on 28.03.2023. The petitioner is in custody since 12.04.2023.

On a Court question, the learned counsel representing the State of Punjab failed to justify further incarceration of the petitioner. The correctness of the facts already noticed have not been disputed by the learned State counsel, on instructions from ASI Mann Singh. Learned State counsel also admits that a petition for quashing of the present FIR is also pending.

Without commenting upon the merits of the case and keeping in view the aforesaid facts, the present petition is allowed. It is directed that the petitioner shall be released on bail subject to his furnishing the bail bonds to the satisfaction of the trial court/Duty Magistrate/Chief Judicial Magistrate.

All the pending miscellaneous applications, if any, are also disposed of.

13.11.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE