

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

304

CRM-M-56950-2023 (O&M)

Date of Decision: 21.11.2023

GABAR @ TEL @ KARAN

.... Petitioner

VERSUS

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. VikrantVij, Advocate for the petitioner.

Mr. Harjinder Singh Sidhu, 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.38 dated 21.01.2022 under Sections 363, 366-A, 376, 34; Section 376-D of the Indian Penal Code, 1860 (added later on) and Section 4 of Protection of Children from Sexual Offences, Act, 2012, registered at Police Station Islamabad, District Police Commissionerate Amritsar.

2. The FIR in question was lodged on the complaint of the father of the prosecutrix alleging therein that on 17.01.2022 at about 10:00 pm his wife and daughters were sleeping in a room and he along with his son was sleeping in a separate room. On 18.01.2022, when he woke up, he found that his daughter was not in the bed. They tried searching for her, however, she could not be traced. He further alleged that he was of the firm opinion that his daughter had been enticed by Gurpreet Singh @ Gopi (the main accused in the present case). The petitioner was named in the FIR along with the main accused as having helped the main accused in enticing away the

daughter of the complainant.

3. Learned counsel for the petitioner would contend that similarly situated co-accused, namely, Ajaypal Singh @ Ajay has since been granted the concession of regular bail by this Court vide order dated 16.03.2023 passed in CRM-M-31213-2022. Learned counsel would further contend that the prosecutrix, her father (the complainant herein) and mother stand examined and they have not supported the prosecution version. It is further the contention of the learned counsel for the petitioner that the petitioner has been in custody for a period of 7 months and 12 days.

4. 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 7 months and 12 days. Learned counsel for the State, on the instructions from ASI Tarsem Singh, is not in a position to deny the fact that the prosecutrix, her father (the complainant herein) and her mother have since turned hostile.

5. Heard.

6. In the present case the only allegation against the petitioner in the FIR is of having helped the main accused in enticing the daughter of the complainant. The prosecutrix, her father (the complainant herein) and her mother have since been examined and they have not supported the prosecution version and turned hostile. Similarly situated co-accused has already been enlarged on bail. The petitioner has been in custody for a period of 7 months and 12 days. There is one more case pending against the petitioner under the NDPS Act, in which he is stated to be on bail. 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.

7. 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.

8. 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.

9. 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.

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

21.11.2023
Aman Jain

(ALKA SARIN)
JUDGE

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