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

CRM-M-60264-2023 (O&M)

Date of Decision : 24.05.2024

Sunil @ Sheena

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. P.S. Punia, Advocate for the petitioner.

Mr. Jasjit Singh, DAG Punjab.

ALKA SARIN, J. (ORAL)

1. This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.35 dated 10.04.2021 under Sections 363, 366-A and 149 of the Indian Penal Code, 1860 (Section 376 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9 & 10 of Prohibition of Child Marriage Act, 2006 added later on) registered at Police Station Arni Wala, District Fazilka (Annexure P-1). The first petition being CRM-M-50995-2023 for grant of regular bail to the petitioner was dismissed as withdrawn vide order dated 13.10.2023.

2. Learned counsel for the petitioner would contend that the only allegation against the petitioner in the FIR was that he had enticed away the victim. It is further the contention of the learned counsel that as per the statement of the victim, she went on her own sweet will with Balwinder

Singh i.e. the main accused. The learned counsel would further contend that similarly situated co-accused - Veer Singh @ Vicky - against whom identical allegations were made and who had been declared a proclaimed offender, has since been granted regular bail by this Court vide order dated 29.02.2024 passed in CRM-M-51481-2023. It is further the contention of learned counsel for the petitioner that the petitioner has been in custody for a period of 01 year and 01 day.

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 01 year and 01 day. The learned counsel for the State would contend that there are serious allegations in the present case. However, the learned State counsel is not in a position to deny the fact that the co-accused - Veer Singh @ Vicky - against whom identical allegations were made, has since been granted regular bail by this Court vide order dated 29.02.2024 passed in CRM-M-51481-2023.

4. Heard.

5. In the present case, the allegation against the petitioner in the FIR is that he had enticed the victim to leave her house. Further similarly situated co-accused - Veer Singh @ Vicky - against whom identical allegations were made, has since been granted regular bail by this Court vide order dated 29.02.2024 passed in CRM-M-51481-2023. As per the custody certificate, the petitioner has already been in custody for a period of 01 year and 01 day. 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 and surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned, if not required in the other case.

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.

24.05.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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