

BA 1977 of 2021 Rajwinder Singh versus State of Punjab
CNR No. PBFZC0-006134-2021

Present:- Sh. Bakhshish Singh, Advocate, counsel for
applicant/accused.
Sh. Kesar Singh P.P. for the State-respondent.

Heard. This is a regular bail application **u/s 439 Cr.P.C.** applied on behalf of applicant-accused Rajwinder Singh in FIR no. 190 dated 03.09.2021 under sections 363, 366-A IPC registered at police station City, Jalalabad.

2. FIR in this case was got registered on 03.09.2021 by Satnam Singh son of Bachittar Singh by stating that one of his daughter is 17 years of age and is studying in 10+2 at DAV School, Jalalabad. On 03.09.2021, although she left for the school, but did not return. It was further informed that her said daughter reaches the school upon an Aactiva bearing registration no. PB 61C 9147. Consequently, FIR under sections 363, 366-A IPC was registered.

During the course of investigations, minor daughter of complainant appeared before the Investigating Officer and made statement explaining that about 1½ years ago, she started conversing with Rajwinder Singh son of Karan Singh resident of Gurudwara Kila Bandi Chhorr, Gwalior (Madhya Pradesh) through instagram. Thereafter, they established *whatsapp* chat and started talking with each other. On 03.09.2021, the said Rajwinder Singh threatened her and took her away, but being under age, she could not marry him nor any physical relationship was established. The girl is staying with her parents, but since 14.09.2021, the accused is in custody.

3. Learned counsel for the bail applicant submitted that the bail applicant has been falsely implicated in the instant case and the name of the bail applicant does not figure in the FIR. Moreover, the victim girl has not

incriminated anybody and the accused is in custody since 14.09.2021 and prayed that he may be released on bail.

Learned P.P. opposed the bail application by submitting that the victim girl was minor at the time of her kidnapping.

4. I have given a careful thought to these submissions. Perusal of the FIR transpires that as per statement of complainant Satnam Singh father of the victim girl, some un-known person had kidnapped his daughter with an intention to solemnize marriage with her. Although in her statement made to the police under section 161 Cr.P.C. the victim girl has claimed that she had established friendship with the bail applicant through Whatsapp and further alleged that on 03.09.2021, the bail applicant took her away with him, but she did not allege any physical violence against her by the bail applicant. The bail applicant is in custody since 14.09.2021 for the past 1½ month. Conclusion of investigations and thereafter presentation of challan and conclusion of trial will take considerable time. No useful purpose would be served by retaining the accused in custody any more. In these circumstances, the present regular bail application applied on behalf of applicant/accused Rajwinder Singh is allowed and he is ordered to be released on bail on his furnishing bail bonds in the sum of Rs. 50,000/- with one local surety in the like amount subject to usual terms and conditions and to the satisfaction of Illaqa Magistrate/Duty Magistrate/Trial Court.

5. Bail application file be consigned to the Record Room, Fazilka.

Sd/-

(Tarsem Mangla),
Sessions Judge,
Fazilka (UID No. PB0049)

Dated: 01.11.2021.

‘Bhola Shankar’
‘Stenographer Gr.I’