



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-50726-2024 (O&M)

Date of Decision: 12.12.2024

Manpreet Singh @ Jaddu

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. MS Saini, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

CRM-46349-2024

Application is allowed, as prayed for.

Copies of statements of the mother of the prosecutrix (PW-1); prosecutrix (PW-2) and the complainant/grand-mother of the prosecutrix (PW-3) are taken on record as Annexure P-4 (Colly.), subject to all just exceptions.

CRM-M-50726-2024

1. The petitioner has filed the present 2nd petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail in case FIR No. 148 dated 13.12.2023 (Annexure P-1) registered under Sections 323, 354D, 455, 506 and 509 IPC (Section 12 of the Protection of Children from Sexual Offences Act, 2012, added later on) at Police Station Haryana, District Hoshiarpur.



2. Learned counsel for the petitioner submits that the aforesaid FIR (Annexure P-1) was registered on the basis of statement of the complainant/grand-mother of the victim and the relevant portion thereof, reads follows:-

“....I would like to state that I am resident of above noted address and I am house wife. ON 12.12.2023 my granddaughter xxxx (Aged about 15 years) daughter of Amrik Singh who is studying in 10th Class of Senior Secondary School, Baghpur, came to house after leaving the school at about 4.15 PM and while closing the gate of house from inside, she sat with me on cot in the courtyard, then Manpreet Singh alias Jadu son of Rajinder Singh resident of my village Satour Police Station Haryana armed with Kassi entered into our house by jumping over the wall at around 4.30 PM and while arriving, he firstly slapped on the face of my granddaughter Amandeep Kaur and thereafter he given kick blows on the abdomen of my granddaughter and thereafter he has given blow of Wajja of Kassi on the left leg and right shoulder of my granddaughter and when I came forward to save her then he has given blow of Wajja of his Kassi on my head with the aim to kill me, which hit on the left side of my head and then he given 4-5 slaps on my face, due to which, I fell down on the ground and my shoulder hit with the cot, then Manpreet Singh has opened the door of our house and while caught holding the arm of my granddaughter, he dragged her towards outside, whereupon I raised noise "Bachao Bachao" then on hearing my hue and cry, the residents of Gali Mohalla gathered there and on looking them, said Manpreet Singh ran away from the spot by threatening to kill us and abusing us by using filthy words. Earlier also Manpreet Singh was chasing to my granddaughter when she went to school/came back from the school and I restrained for many times from chasing my granddaughter but he did not mend his ways. Thereafter my granddaughter has made phone call to her mother Mamta who went to Hoshiarpur for her personal work, she came back to the house and after arranging vehicle, she got me and my granddaughter admitted in Civil Hospital Hoshiarpur for treatment and after discharging from hospital, I have got recorded my statement to you in the Police Station. The motive behind the incident is that Manpreet Singh above said was chasing my granddaughter when she went to school, I and my family have restrained from doing so but he did not stopped. Legal action be taken against him. I have got my statement recorded in the



presence of my Daughter-in-law Mamta, heard, same is correct. LTI of Niranjana Kaur.....”

3. Learned counsel for the petitioner, *inter alia*, submits that admittedly, the petitioner and the complainant side are residing in the same vicinity. Admittedly, there was a family dispute between both the parties, which has led to filing of the present FIR (Annexure P-1) with false allegations. An altercation between the parties has been given the colour of a sexual assault which is wholly incorrect, false and unfounded. Moreover, the prosecutrix stands examined as PW-2 before the learned trial Court and her testimony is available on record as Annexure P-4 (Colly.). It is submitted that perusal of the entire testimony of the victim does not reveal a word of alleged sexual assault committed upon her by the petitioner. In actual fact, the prosecutrix had said wrong words to the mother of the petitioner, whereupon the petitioner had hit her, but there is no sexual assault upon the prosecutrix. Even there is no medical evidence to support the said allegation of sexual assault levelled by the complainant. Moreover, there is a political rivalry between both the parties. It is also contended that mother and grand-mother/complainant of the prosecutrix have also been examined before the learned trial Court as PW-1 and PW-3, respectively; and the statement of PW-1 mother of the prosecutrix is merely hearsay. The petitioner was arrested in the present case on 27.12.2023 and since then he has been in custody almost for 01 year. Thus, it is prayed that the petitioner may be released on regular bail.
4. *Per Contra*, learned counsel for the State vehemently opposes the prayer for grant of regular bail to the petitioner and has filed copies of MLR dated 12.12.2023 of the complainant and prosecutrix in



Court, which are taken on record. Learned counsel for the State while referring to the aforesaid MLRs submits that the allegations levelled in the FIR are corroborated by the injuries suffered by the complainant as well as the prosecutrix. It is further submitted that the prosecutrix in her statement under Section 164 Cr.P.C., as also in her testimony as PW-2 before the learned trial Court has fully supported the prosecution case. On instructions from ASI Sukhchain Singh, learned counsel for the State has informed that even the weapon of offence i.e. *kassi* has also been recovered upon the disclosure statement of the petitioner. It is also informed that out of total 20 prosecution witnesses 16 witnesses have been examined; and the remaining 04 witnesses have been given up; and now, the trial is at stage of recording the statement of accused under Section 313 Cr.P.C.

5. Learned counsel for the State files custody certificate dated 12.12.2024 which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 11 months and 14 days. Perusal of the custody certificate shows that the petitioner is also involved in one another case bearing FIR No. 96 dated 03.09.2022 registered under Sections 307, 324, 506 and 34 IPC at Police Station Haryana, however, on instructions, learned counsel for the State has informed that the aforesaid FIR against the petitioner already stands quashed.

6. I have heard learned counsel for the parties.

7. Without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case, including:
(a) custody period of 11 months and 14 days undergone by the petitioner



as an undertrial; and (b) that although all the prosecution witnesses stand examined, however, conclusion of trial will still take considerable time, and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed**.

8. The petitioner-Manpreet Singh @ Jaddu S/o Rajinder Singh, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

9. However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

12.12.2024

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No