

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M 10725/2023

Date of decision: 24.07.2023.

Jatin Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondents

**CORAM        HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:-        Mr. Anoop Verma, Advocate for the petitioner.  
                      Mr. Ritesh Pandey, Advocate for the complainant  
                      Mr. Jaspreet Singh, AAG Punjab

**Nidhi Gupta, J.**

Mr. Ritesh Pandey, Advocate appears on behalf of the complainant and files his Memo of Appearance, which is taken on record.

Petitioner-Jatin Kumar son of Mukesh Kumar in his first petition under Section 439 Cr.PC prays for grant of regular bail in case FIR No.243 dated 24.8.2022 registered under Sections 363, 366 IPC, at PS Civil Lines, Batala, Punjab.

The aforesaid FIR was registered on the basis of statement of Neelam mother of the victim, allegedly kidnapped by the petitioner. Her statement reads as under:-

“Statement of Neelam wife of Honey resident of Shiv Nagar Batala aged about 42 years mobile number 8699984496 Stated that I am a resident of above address and

does parlor work at my house, my husband does hard labor, I have two children, the elder one is a girl whose Name is Khushi, who is the daughter of my first husband Vijay Kumar from whom I am divorced, the girl is brought up by me. The younger one is boy whose name is Raghuvansh Sharma who is 13 years old. My daughter Khushi who is about 16 years old who study in 9th Class in Methodisk School, today on 24-8-22 at around 7-30 AM gone out of the house saying that she had gone to school and did not even wear school uniform and carried her bag in civil dress. I came to know that my daughter Khushi was abducted by Jatin S/o Bhalu, resident of Gandhi Camp Batala, with the intention of marrying her. Later I searched my house and found that she had taken Rs. 22,000/- from Almirah and gold ornaments. Till now I have been searching at my own level, now I was coming along with Rahul s/o Ved Prakas, resident of Gandhi camp, to inform, that I have found you. Strict legal action should be taken against Jatin and my daughter should be returned. Statement has been written and found correct. Neelam, Verified by Rajinder Kaur ASI Police Station Civil Line Batala Date 24-8-2022."

Ld. Counsel for the petitioner inter alia submits that petitioner is in custody since 3.1.2023; challan was presented on 2.3.2023 and charges framed on 14.7.2023 and as such, trial is not likely to be concluded in near future. It is therefore, prayed that petitioner be released on bail during trial.

Ld. Counsel for the complainant vehemently opposes the prayer for regular bail and refers to para 7 of the order dated 8.2.2023 (Annexure P-2) passed by Addl. Sessions Judge, Gurdaspur, dismissing the bail application of the petitioner under Section 439 Cr.PC, which reads as under:-

*"After hearing rival contentions of both the parties and perusing the record, it reveals that accused-applicant kidnapped the prosecutrix from the lawful custody of her parents without their consent. These allegations are very serious and grave in nature. Further, the prosecutrix herself appeared in the Court and stated that she was coerced to give the favourable statement under Section 164 Cr.PC by the accused- applicant. The mother of the prosecutrix also stated that she was pressurized to sign on the alleged compromise entered into between her and the accused-applicant (copy of the compromise attached by the learned defence counsel). No doubt, accused-applicant is in judicial custody since 02.01.2023, but challan has not been presented and but there is every likelihood that in case accused/applicant is granted bail, he might try to influence the prosecution witnesses and also might try to hamper the proceedings of the trial. So, in light of the aforementioned circumstances, taking into consideration the gravity of the offences so involved, this court is not inclined to release the accused on bail. Consequently, the bail application of accused-applicant is dismissed".*

Custody certificate dated 22.7.2023 produced by the Id. State counsel is taken on record. Ld. State counsel submits that prosecution evidence in the matter is yet to commence, and the victim and complainant are yet to be examined. It is submitted that if the petitioner is released on bail, he may tamper with the evidence and try and influence the material witnesses.

I have heard learned counsel for the parties. Keeping in view the totality of the facts and circumstances of the case, and without commenting on the merits of the case, I find no case for grant of regular bail is made out.

Dismissed.

**24.07.2023.**  
Joshi

**(Nidhi Gupta)**  
**Judge**