

113+205 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-23422-2023 (O&M)

Decided on:-09.06.2023

Rafi and another

....Petitioners..

VS.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Nikhil Chopra, Advocate,
for the petitioners.

Mr. Amit Shukla, AAG, Punjab assisted by SHO Manjit Singh
and Sub-Inspector Guemeet Rana, Police Station Adampur,
Jalandhar

HARKESH MANUJA J. (O&M)

CRM-26324-2023

Prayer in this application is for deletion of Sections 364, 342
IPC and for addition/inclusion of Sections 344, 346, 367, 374 IPC in the FIR
No.47 dated 27.03.2023 in the headnote as well as in the prayer clause of the
main petition.

Notice of the application.

Mr. Amit Shukla, AAG, Punjab accepts notice on behalf of the
respondent-State.

For the reasons mentioned in the application, same is allowed.
Sections 364, 342 IPC are ordered to be deleted and Sections 344, 346, 367,
374 IPC are ordered to be added in the headnote as well as in the prayer
clause of the main petition.

Registry is directed to make the necessary corrections in the head note as well as in the prayer clause.

Main case

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of bail in case FIR No.47 dated 27.03.2023, under Sections 323 and 506 IPC (Sections 344, 346, 367, 374 IPC added later on), registered at Police Station Adampur, District Jalandhar.

2. As per the FIR, allegations levelled against the petitioners are that they abducted the seasonal labour and kept them in their Dera and made them to do labour work forcibly by extending threats and beating them.

3. Learned counsel for the petitioners submits that the investigation in the present case already stands concluded, the petitioners have already suffered incarceration for more than 2½ months and the trial is likely to take some time.

4. On the other hand, learned State counsel vehemently opposes the prayer made herein while submitting that the five victims were got released from the illegal detention of the petitioners and one out of those is not even in a position to tell about his family or the permanent abode.

5. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioners.

6. The investigation in the present case already stands concluded with the filing of *challan* and the petitioners have already suffered incarceration for a period of almost 2½ months, besides it, in pursuance to the order dated 02.06.2023, the petitioners have even volunteered to

compensate the victims towards their rehabilitation. As per the instructions, learned counsel for the petitioners has also informed this Court that the petitioners shall deposit a sum of Rs.25,000/- each in the name of 5 victims, with the investigating agency within a period of one week from today and the same be disbursed in their favour, besides deposit of Rs.50,000/- with the “Tera Aasra Welfare Society”, H. No.828, Jaspal Nagar, Village Vallah, District Amritsar, which has been taking care of all the victims for the past two months, till their repatriation to their families.

7. Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

8. Upon deposit of the aforesaid amount, it shall be the joint responsibility of Senior Superintendent of Police (Rural) Jalandhar as well as learned State counsel to ensure that the payments deposited by the petitioners are transferred and received by the victims.

09.06.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No