

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

207

CRM-M-27382-2023

Date of decision: 15.09.2023

Daljeet Singh @ Sonu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

PRESENT: Mr. K.S. Dhillon, Advocate for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

NIDHI GUPTA, J.(ORAL)

1. Prayer in this first petition filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in case FIR No. 0009 dated 16.02.2023 (Annexure P-1) registered under Sections 363 and 366-A IPC at Police Station Begowal, District Kapurthala.

2. The aforesaid FIR was registered on the statement of mother of the victim (since deceased) and the same reads as follows:

“Statement of Yashoda w/o Amrik Singh Resident of Ward No. 13 Begowal District Kapurthala aged about 55 years mobile number 9872232059. Stated that I am a homemaker and residing on the above said address. My husband Amrik Singh runs a grocery shop and we have two daughters namely Kulwinder Kaur aged about 15 years and Ravneet Kaur aged about 09 years. My elder daughter is Kulwinder Kaur @ Muskan whose date of birth is 24-02-2008 and who is studying in class 8th in Govt. Senior Secondary School

Begowal. My daughter Kulwinder Kaur used to go to her school daily at 09.00 am and returned from school at 03.45 pm. On 03-02-2023 my daughters had off from school and they were at home. I went to Court Complex Bholath at 10.30 AM to attend a court hearing with my husband Amrik Singh and then went to Kapurthala to get my medicine. At 2.30 PM I got a call from my neighbor and she told me that my daughter Muskan had put clothes in a bag and went towards Tahli Road with a boy. Then I and my husband came home around 4.30 PM and saw that my daughter Kulwinder Kaur @ Muskan was not at home and when I asked my younger daughter Ravneet her whereabouts, she told me that when Muskan was carrying clothes etc. from home, she asked her that where was she going to which Muskan replied that her boyfriend was standing on Talhi Road and she was going to marry him. To this Ravneet followed her and saw Sonu was taking her with him. Until now we had been waiting and looking for our daughter Kulwinder Kaur alias Muskan who has not been found, and now we have come to know that Daljit Singh Sonu son of Gurdeep Singh Deepa resident of Ward No. 03 Begowal District Kapurthala has taken away my daughter Kulwinder Kaur alias Muskan aged 15 years on the pretext of getting married. They should be searched and action be taken.”

3. Learned counsel for the petitioner, *inter alia*, submits that that allegations made in the FIR are false and fabricated. It is submitted that the victim in her statement recorded under Section 164 Cr.P.C. had categorically stated that she had been with the petitioner w.e.f. 03.02.2023 to 16.02.2023 during which time the petitioner had not done any wrong act with her. Even she also admitted that she had gone with the petitioner on her own free will. It is further submitted that petitioner has been in

custody since 16.02.2023. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner may be released on regular. In support of his contentions, learned counsel for the petitioner has placed reliance upon the judgments of the Hon'ble Apex Court in **(i) Iqbal vs. State of Kerala, 2007(4) RCR (Criminal) 867** and **(ii) S. Varadarajan vs. State of Madras, 1965 AIR (Supreme Court) 942.**

4. No other argument is raised on behalf of the petitioner.
5. *Per Contra*, learned counsel for the State has filed custody certificate dated 14.09.2023, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 06 months and 29 days. Learned counsel for the State vehemently opposes the prayer for grant of regular bail and submits that the petitioner had enticed away the 15-year-old victim/ minor daughter of the complainant on the pretext of marriage. It is further submitted that the victim had been recovered on 16.2.2023, where after she had recorded her statement on 17.2.2023 under section 164 Cr.P.C, and the victim had also refused to undergo medical legal examination. However, the victim had committed suicide on 17.04.2023. Ld. Counsel further states that charges have already been framed in the matter and out of total 11 prosecution witnesses, none have been examined so far. Learned counsel states that material witnesses, including the complainant and the father of the victim, are yet to be examined. Ld. Counsel further states that therefore, there is every apprehension that the petitioner, if released on bail, will attempt to influence the witnesses and tamper with the evidence. Further, learned counsel refers to the custody certificate of the petitioner, and submits that

the petitioner is involved in one other case arising out of FIR No. 21 dated 26.03.2022 registered under Sections 379 and 411 IPC at Police Station Begowal.

6. I have heard learned counsel for the parties.

7. Without commenting on the merits of the matter, however keeping in view the totality of facts and circumstances of the case, including the fact that the material witnesses are yet to be examined, I find no ground is made out at this stage to interfere with the impugned order dated 05.05.2023 (Annexure P-2) vide which application of the petitioner under Section 439 Cr.P.C., seeking regular bail was dismissed by the learned Additional Sessions Judge, Kapurthala. Accordingly, the present petition is **dismissed**.

15.09.2023

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No