

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-45116-2023 (O&M)
Date of decision: 03.10.2023

Amandeep Kaur

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Anureet S. Sidhu, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.274 dated 05.12.2022, registered under Sections 370(5) and 120-B IPC and Section 81 Juvenile Justice (Care and Protection of Children) Act, 2015, at Police Station Samana, District Patiala.

2. Learned counsel contends that the petitioner is in custody for almost 10 months. The alleged child recovered from him was of co-accused Harpreet Kaur, who has also been released on bail by this Court after being in custody for about 9 months vide order dated 31.08.2023, Annexure P-5. Co-accused Sukhwinder Singh @ Deep, Lalit Kumar and Sanjit Devi @ Sajita have been granted bail by this Court vide orders Annexures P-6 to P-8. Charges were framed on 30.08.2023 and in all there are 20 prosecution witnesses, out of whom none has been examined. All of them are otherwise official witnesses as such there is no possibility of they getting influenced. The petitioner is not involved in any other case.

3. The custody certificate dated 02.10.2023, filed by learned State counsel is taken on record, as per which, the petitioner is behind bars for 9 months and 26 days.

4. Learned State counsel opposes the bail on the ground that the child was recovered from the petitioner which belonged to co-accused-Harpreet Kaur and was apprehended at the spot. He is however unable to controvert the submissions made regarding the stage of the case, co-accused having been granted bail and the petitioner not being involved in any other case.

5. Heard.

6. Keeping in view the facts and circumstances of the case, in particular that the petitioner is in custody for last 9 months and 26 days; co-accused have been granted bail; not involved in any other case; charges have been framed on 30.08.2023; none out of 20 prosecution witnesses has been examined so far; the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to his not being required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific

order of Court.

- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

03.10.2023
ashok

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