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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48253-2023 (O&M)
Date of decision : 02.11.2023

Jeevan Kumar

... Petitioner(s)

Versus

State Of Punjab

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Naveen Batra, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.4 dated 06.01.2023 under Sections 363, 366 of the Indian Penal Code, 1860 (Section 120-B IPC added later on) registered at Police Station Nurpurbedi, District Rupnagar, Punjab (Annexure P-1).

2. Learned counsel for the petitioner would contend that initially the FIR was lodged on the basis of the complaint given by the complainant that the daughter of the complainant was enticed away by one Gagandeep along with some unknown persons on 05.01.2023. Subsequently, on 07.01.2023, the complainant got a supplementary statement recorded wherein he stated that he had come to know that his wife - Neelam Devi –

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was having illicit relations with Jeevan Kumar (petitioner herein) for the last many years and Jeevan Kumar was taking his wife to different hotels as well as to Mata Naina Devi. The victim was enticed away by Gagandeep @ Raja in connivance with the petitioner herein Jeevan Kumar. The petitioner - Jeevan Kumar - and the co-accused - Neelam Devi - were arrested on the basis of the supplementary statement made by the complainant. Learned counsel for the petitioner would further contend that the petitioner herein has no role to play and infact has falsely been implicated in the present case only because of the suspicion of the husband of Neelam Devi that she had an illicit relationship with the present petitioner. Learned counsel would further contend that the petitioner is in no way connected with the victim or the co-accused and there was no reason for him to have aided Gagandeep @ Raja, the co-accused, in enticing away the daughter of the complainant. It is further the contention of learned counsel that the petitioner has been in custody for a period of 09 months and 24 days and that he has absolutely clean antecedents. Learned counsel for the petitioner has further pointed out that similarly situated co-accused - Neelam Devi - has since been granted the concession of bail by this Court vide order dated 26.09.2023 passed in CRM-M-19790-2023.

3. Learned counsel for the State has filed the status report by way of affidavit of Sh. Ajay Singh, PPS, Deputy Superintendent of Police, Sub Division Anandpur Sahib, District Rupnagar wherein it has been stated that in the supplementary statement made by the complainant it was stated that the present petitioner was in an illicit relationship with Neelam Devi (wife of

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the complainant) and that the petitioner was taking her to different hotels as well as to Mata Naina Devi. It was further alleged that the victim was enticed away by the co-accused Gagandeep @ Raja in connivance with the present petitioner and Neelam Devi. It was further stated that the petitioner and the co-accused Neelam Devi were arrested and during interrogation the petitioner Jeevan Kumar confessed to his guilt and admitted that he along with Gagandeep @ Raja were taking the wife of the complainant - Neelam Devi - and the victim to different hotels and used to develop physical relations with both of them. Based upon the said statement, the present petitioner as well as co-accused Neelam Devi were nominated as accused in the present case and the offence under Section 120-B of IPC was added. Learned counsel for the State would further submit that the petitioner has been in custody for a period of 09 months and 24 days and that there is no other case pending against him.

4. Heard.

5. In the present case initially the FIR was lodged by the complainant who is the father of the victim on the ground that his daughter had been enticed away by one Gagandeep @ Raja and one of his accomplices whose faced was muffled. Subsequently, on 07.01.2023, a supplementary statement was got recorded wherein he has alleged that his wife - Neelam Devi - was having an illicit relationship with the present petitioner Jeevan Kumar and the present petitioner was taking his wife to different hotels as well as to Mata Naina Devi and the victim was also enticed by Gagandeep @ Raja in connivance with the present petitioner

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Jeevan Kumar and Neelam Devi. Similarly situated co-accused - Neelam Devi - has since been granted the concession of bail by this Court vide order dated 26.09.2023 passed in CRM-M-19790-2023. The petitioner has been in custody for a period of 09 months and 24 days and that there is no other case pending against him and there is no other incriminating evidence against the present petitioner at this stage besides the supplementary statement of the complainant and his own disclosure statement. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

02.11.2023

Yogesh Sharma

(ALKA SARIN)

JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO