

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-49666-2023 (O&M)

Date of order: 06.10.2023

Dilraj Singh

.....Petitioner(s)

Vs.

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Amit Arora, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG Punjab.

Nidhi Gupta, J.

Present is the first petition filed by the petitioner under Section 439 of Code of Criminal Procedure (hereinafter referred to as "Cr.P.C.") seeking grant of regular bail in case FIR No.121 dated 21.03.2023 registered under Sections 363, 366-A and 120-B of Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Goindwal Sahib, District Tarn Taran (Annexure P1).

2. FIR in the present case has been registered on the basis of statement of father of the victim and the same reads as follows:-

"...It is stated that I am permanent resident of above-mentioned address and used to run a sweet shop in the main market at Village Fatehabad. I am having three children. eldest is my son Deepinder Singh who is residing abroad and I am having one daughter Harinder Kaur who after studying 10+2 is doing the household works and youngest daughter is Bhupinder Kaur who is aged about 15 years 9 months and

studying in 9th Class in Guru Amardas Adarsh Institute, Goindwal Sahib. On dated 18.03.2023, as the bus got late as such I after leaving my daughter Bhupinder Kaur in the school came back and told my daughter to come back to house in the bus at the time when school gets off. At about 3:00 PM, when school gets off my daughter did not returned in the bus and I myself went to the school and inquired about my daughter then school staff told me that their relative Dilraj Singh Sandhu S/o Palwidner Singh R/o Bheldhai Wala Mobile No.:- 8872296233 has taken Bhupinder Kaur and stated that he is brother of Bhupinder Kaur and since there is some emergency in the house so Bhupinder Kaur be sent with him and school staff called the girl and inquired from her then she disclosed that he is his brother and after taking the gate pass the boy Dilraj Singh took away my minor daughter along with him. That I have come to know that Dilraj Singh has enticed away my minor daughter on pretext of marriage and in the said act of enticing away of my daughter Palwinder Singh, father of Dilraj Singh and his mother are having their full cooperation to him, thus the legal action may kindly be taken against them.....".

3. It is inter alia submitted by learned counsel for the petitioner that at the time of commission of alleged offence, the victim was 15 years 9 months old. It is submitted that the allegation made against the petitioner is that he had enticed away the daughter of the complainant. It is further submitted that however in her statement made under Section 164 Cr.P.C., the victim has stated that she went with the petitioner of her own free will and has admitted that no wrong act was committed upon her by the petitioner. It is further submitted that the victim had refused to go with her parents and therefore, she is presently in Gandhi Vanita Asharam,

Kapurthala Road, Jalandhar. It is also submitted that the victim has refused to undergo medico-legal examination.

4. Learned State Counsel files custody certificate dated 05.10.2023 which is taken on record as per which the petitioner has undergone 6 months 3 days in custody as under trial. Learned State Counsel opposes the prayer for grant of regular bail to the petitioner and on instructions from ASI Kulwinder Kaur submits that material witnesses are yet to be examined. It is submitted that out of 17 witnesses, only the complainant has so far been partially examined.

5. I have heard learned counsel for the parties.

6. Without commenting on the merits of the matter, however, keeping in view the totality of the facts and circumstances of the case and even the fact that perusal of custody certificate reveals that there are no other cases against the petitioner; and the fact that prosecution evidence has just begun and therefore, conclusion of trial will take sufficient time to conclude, present petition is **allowed**. The petitioner namely Dilraj Singh s/o Palwinder Singh is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

7. However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

8. Pending application(s) if any also stand(s) disposed of.

06.10.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No