

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.61878 of 2023  
Date of decision: 15<sup>th</sup> December, 2023

Harjit Singh @ Sonu

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Vikramjit Singh, Advocate for the petitioner.

Mr. Jaiteshwar S. Bhandari, Asst. Advocate General, Punjab  
for the respondent/State.

**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.57 dated 14.05.2018 under Sections 363, 366-A IPC and Sections 3, 4, 8 of Protection of Children from Sexual Offences Act, 2012 (Section 120-B IPC added later on) registered at Police Station Mehatpur, District Jalandhar Rural.

2. Learned counsel inter alia contends that the petitioner was neither named in the FIR in question, which was registered at the instance of the father of the two victims, nor any suspicion raised *qua* his involvement in the abduction of the two victims. Learned counsel submits that the victims allegedly were abducted on 12.05.2018 and after almost a month, on 06.06.2018 the complainant/father of the victims

made a supplementary statement implicating the mother of the co-accused, who had allegedly abducted his daughters. Learned counsel submits that thereafter, the mother of the co-accused suffered a disclosure statement naming the petitioner of having facilitated the crime in question by making arrangements for the accommodation of the co-accused and the victims in Rajasthan. Learned counsel further submits that it was evidently a case wherein a false version had been brought forth against the petitioner because it was a matter of record that on the fateful day when the two victims went missing, the petitioner was in custody in some other case and even thereafter, continued to be in custody.

3. Learned counsel has further submitted that after the registration of the FIR in question, both the victims had also solemnized marriage with the co-accused who are brothers, namely Daljeet Singh and Kuldeep Chand. It has been submitted that co-accused Daljeet Singh, who allegedly abducted victim No.1 had since been extended the concession of regular bail. Learned counsel submits that the petitioner has now been in custody for more than 5 years, having been arrested on 18.07.2018 and as on date, the trial has not concluded since the prosecution evidence is still underway.

4. Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Sarwan Singh, has submitted that the co-accused i.e. Daljeet Singh and

Kuldeep Chand had abducted two sisters, aged 17½ years and 16 years, as a result of which, their father lodged the FIR in question; subsequently, when the mother of Daljeet Singh and Kuldeep Chand was arrested, she suffered a disclosure statement stating therein that the petitioner facilitated the crime in question. However, learned State counsel has not been able to dispute that on the fateful day when the two victims were allegedly abducted, the petitioner was indeed in custody and even thereafter, continued to be.

5. However, the learned State counsel has submitted that the petitioner is a man of criminal antecedents, which is evident from a bare perusal of the custody certificate, which has been placed on record by the learned State counsel today, though he is not on bail in the other cases registered against him.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. The petitioner has now been in custody since 18.07.2018. There is no likelihood of the trial concluding anytime in the near future as the prosecution evidence is still underway. Furthermore, the main accused i.e. Daljeet Singh, who allegedly abducted victim No.1, has already been enlarged on bail. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty

Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)  
JUDGE

December 15, 2023  
*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |