

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M-1815-2024
Date of decision: 20.03.2024

Sunil Verma alias Kaka

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Angrej Singh Sarwara, Advocate,
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.09 dated 04.02.2023 registered for the offences punishable under Sections 363 & 366-A of IPC at Police Station Daba, District Ludhiana.

2. The case set up in the FIR in question is as follows:-

“Statement of Harminder Kaur, wife of Late Kamaljit Singh, resident of Street No. 2, House Number 1931/5, Mohalla Satguru Nagar Police Station Daba District Ludhiana, aged about 38 years, Mobile No. 88722-44328. Stated that I am a resident of the above-said address, and I work at Ranjit Nagar in Vishkarma Ispex Factory. My husband died in the year 2019, and I have three children. My eldest daughter, Mandeep Kaur, is aged about 17 years, and my two sons, Khushpreet Singh, 14 years, and Sukhbir Singh, are aged 6 years. On Dated 02.02.2023, as per routine, I was at work at Ranjit Nagar at about 5.45 pm. I got a call from my mother, Gurmit Kaur, who lives in our house, that

Mandeep Kaur is missing and not at home. I came back to the house from work and started searching for Mandeep with the help of my neighbors but could not find her. Later on, I came to know that in our neighborhood, one boy, Sunil Verma, stays in the house of Sucha Singh, who on the pretext of marriage has induced my daughter Mandeep Kaur and taken her away with him, whom I was searching for at my own level but could not find. For that, I was coming to Daba to give information, and you have met me at Jain Thekha. My daughter Mandeep Kaur should be searched, and legal action be taken against Sunil Verma, alias Kaka, son of Vijay Sharma, resident of House No. 6329 / A sec 56 Chandigarh. I have recorded the statement before you. Read and correct. SD- Harminder Kaur in Punjabi Mobile No: 8872244328. ASI Gurbaj Singh, Police Station Daba Ludhiana, Dated 04.02.2023."

3. Learned counsel for the petitioner has argued that the petitioner was arrested on 17.03.2023 and is ever in custody since then. Learned counsel for the petitioner has further argued that the victim had left her lawful guardianship on her own accord which fact is also decipherable from the narration of events in the FIR itself that the petitioner and victim had been travelling together to different places by way of public transport. Thus, regular bail is prayed for.

4. Learned counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 17.03.2023 whereinafter investigation was carried out & challan was presented on 22.04.2023.

Total 22 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of the parties as to whether the victim had left her lawful guardianship on her own accord shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the case of the either parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate dated 19.03.2024 filed by the learned State counsel, the petitioner has suffered incarceration for about 01 year .Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.

- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

March 20, 2024
poonam

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