

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201

CRM-M-2842-2024

Date of Decision: 01.05.2024

Angrej Singh @ Kallu

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

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

Ms. Aakanksha Gupta, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 2nd petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 170 dated 29.04.2023 (Annexure P-1) registered under Sections 363, 366, 452 and 120-B IPC (offence under Section 366-A IPC was added later on) at Police Station Goindwal Sahib, District Tarn Taran.

The aforesaid FIR was registered on the basis of statement of the father of the victim, which is reproduced as under:-

“Statement of Surjit Singh son of Gurdeep Singh resident of Kalla Police Station Goindwal Sahib aged 45 years mobile no. 7528827843. It is stated that I am resident of above said address and working as a labourer. I have 3 children, the eldest daughter is Manpreet Kaur, younger girl is xxxx and the youngest boy is Husanpreet Singh. My elder daughter Manpreet Kaur is married, the younger girl xxxx her date of birth is 01.12.2007 and she is studying in 10th class of village Kallah school. Angrej Singh alias Kalu son of Harjit Singh resident of my village who used to keep an evil eye on my daughter xxxx and I stopped him many times to not to do so but he repeatedly used to harass on the way my daughter xxxx. On dated 23.04.2023 my son Husanpreet Singh and my daughter xxxx were present in the home and I had gone to meet someone in the village by locking the outer door of my

house and when I returned back to home, my son Husanpreet Singh told me that Angrej Singh alias Kalu, Gurlal Singh alias Guchu son of Harjit Singh resident of Kalla at 8:15 PM entered our home by climbing the outer wall of our house and took away my daughter xxxx with intention to getting married. I was searching for my daughter at my own level till now but she was not found anywhere. I have recorded the statement and heard it was correct and thus take police action.....”

Learned counsel for the petitioner, *inter alia*, submits that it is a case of run-away couple where the petitioner and the victim have eloped together due to their consensual relationship. Learned counsel for the petitioner refers to the statement of the victim dated 02.05.2023 (Annexure P-2) recorded under Section 164 Cr.P.C., wherein she had categorically stated that she ran away from her house with the petitioner out of her own free will and accord. The petitioner has no role and he is innocent. Learned counsel also refers to the testimony (Annexure P-3) of the victim before the learned trial Court as PW-1, wherein she was declared hostile. Further, it is submitted that there is no medical evidence incriminating the petitioner, as the victim had refused for her medico-legal examination. The petitioner has been in custody since 01.05.2023. The trial is likely to take a long time to conclude. No useful purpose would be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner be released on regular bail.

Per Contra, learned counsel for the State vehemently opposes the prayer for grant of regular bail to the petitioner and submits that at the time of alleged occurrence, the victim was 15 years and 05 months old. Complainant in the present case is the father of the victim who is yet to be examined. The victim was recovered from the custody of the petitioner on 01.05.2023.

Learned counsel for the State has filed custody certificate dated 30.04.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 01 year and 03 days. As per custody certificate, there is no other case against the petitioner. On instructions from ASI Gurbinder Singh, learned counsel for the State informs that out of total 16 prosecution witnesses, 03 witnesses have been examined by the learned trial Court so far.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case; including the custody period undergone by the petitioner and perusal of the custody certificate reveals that there is no other case against the petitioner; and also the fact that conclusion of trial will take considerable time as out of total 16 prosecution witnesses only 03 have been examined so far, and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed**.

The petitioner-Angrej Singh @ Kallu S/o Harjit Singh, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

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

01.05.2024

rishu

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No