

2024:PHHC:022433

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212

CRM-M-7517-2024

Date of decision: 16.02.2024

Navraj Singh @ Raj

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Manoj R. Sharma, Advocate, for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr.B.B.S. Randhawa, Advocate, for the complainant.

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.55 dated 11.07.2023 registered for the offences punishable under Sections 363, 366 of IPC, 1860 at Police Station Ghanie Ke Banger, District Batala.

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

“Statement of Sukhdev Singh s/o Ajaib Singh r / o Mansaidwala, aged about 38 years, M.No.9041685679. Stated that I am a resident of abovementioned address. I am running a meat shop at bus stand Kala Afgana. I am having two sons and a daughter. My daughter Shubhpreet kaur whose age is 16 years 6 months. She studies in 10th class in Convent School Ghanie Ke Bangar. On 10.7.2023, at about 5 pm, she had come from home for tuition at Khehra Kalan who had come to the house at 8 pm. Due to not coming her back to the house, we have been kept on searching her, but didn't find her. Today someone told that 10.7.2023, our daughter was talking to some boy at the phirni of village Ghanie

Ke Bangar who was searched by us. now it has come to know that my daughter Shubhpreet Kaur has been enticed away by Navraj Singh @ Raj s/o not known r/o Gagowali, PS Ghuman on the pretext of performing marriage. Statement has been got recorded, heard, is correct. Action be taken. Sd- Sukhdev Singh above 9041685679 attested Sd- Amarjit Masih INSP SHO PS Ghanie Ke Bangar dated 11.7.2023."

3. Learned counsel for the petitioner has submitted that the accused is in custody since 12.07.2023 & investigation stands completed. Learned counsel has referred, *in extenso*, to the statement made by the victim under Section 164 of Cr.P.C. on 14.07.2023 as also the statement made by the victim before the doctor at the time of her medical examination on 13.07.2023 to argue that the relationship between the petitioner and the victim was consensual in nature. 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. Learned counsel for the complainant has vehemently opposed the grant of regular bail to the petitioner by arguing that the allegations made against the petitioner are extremely serious in nature and hence he does not deserve the concession of regular bail.

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

7. The petitioner was arrested on 12.07.2023 whereinafter investigation was carried out & challan was presented on 05.09.2023.

Total 17 prosecution witnesses have been cited and culmination of the trial will take its own time. The petitioner is stated to be aged about 22 years whereas the victim is stated to be about 16 & half years of age at the time of alleged offence. The rival contention of the learned counsel for the parties regarding the weightage required to be attached to the statement recorded under Section 164 of Cr.P.C. as also the statement made by the victim before the doctor at the time of her medical examination will 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 15.02.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 07 months & is not shown to be involved in any other case. Suffice to say, further detention of the petitioner as an undertrial is not warranted.

8. 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.

9. 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.

10. Ordered accordingly.

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

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

(SUMEET GOEL)
JUDGE

February 16, 2024
poonam

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