

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

221

CRM-M-8846 of 2024

DATE OF DECISION :- 11.03.2024

Randheer Singh @ Arshu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Lakhwinder Singh, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Kuldeep Singh Siwach, 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. 260 dated 24.11.2023, registered for the offences punishable under Sections 363,366-A IPC at Police Station Bhikhi Mansa, District Mansa.
2. Counsel for the petitioner submits that the petitioner is in custody since 25.11.2023 and the investigation already stands completed in the matter. Learned counsel for the petitioner has further argued that the petitioner was in a consensual friendship with the victim which was not to the liking of her family and it is on this account the petitioner has been falsely implicated in the FIR in question. Thus regular bail is prayed for.
3. Counsel for the State opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of regular bail.

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

5. The petitioner was arrested on 25.11.2023 wherein after investigation was carried out and the challan stands presented on 16.01.2024. Total 17 prosecution witnesses have been cited and culmination of trial will take its own time. The rival contentions of the learned counsel for the parties as to whether there was a consensual friendship between the petitioner and the victim as also whether the FIR in question has been got lodged as the said friendship was not to the liking of the family of the victim shall be gone into during the course of trial. This Court does not deem it appropriate to delve into these rival contentions, at this stage, lest it may prejudice the trial. No tangible material has been brought on record to show that there is likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. The petitioner is a boy aged 19 years and does not have any criminal antecedents. As per the custody certificate dated 09.03.2024 filed by the learned State counsel, the petitioner has suffered incarceration of more than three months. Suffice to say, in the facts and circumstances of the case, further detention of the petitioner as an under trial is not warranted.

6. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. 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.

7. 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.

8. Ordered accordingly.

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

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

(SUMEET GOEL)
JUDGE

11.03.2024
P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No