

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

231 CRM-M-9297-2024 (O&M)
Date of decision:19.03.2024

Amanpreet Singh ...Petitioner
V/s
State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Naveen Sharma, Advocate for the petitioner.
Mr. Anup Singh AAG Punjab.

SUMEET GOEL, J. (Oral)

Short reply by way of affidavit of Akarshi Jain, Assistant Commissioner of Police (Central), Ludhiana, has been filed in Court by learned State counsel in Court today. The same is taken on record.

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.183 dated 24.11.2023, registered for the offences punishable under Sections 307, 341, 506, 34 & 148 of IPC at Police Station Division No.2, District Ludhiana.

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

“Statement of Manisha Chauhan d/o Vijay Kumar son of Sh. Kishan Chand r/o House NO. 1620/14, Street N 0.2, Amarpura, Ludhiana aged about 17 years stated that I am resident of aforesaid address and is doing household work. I am sixth class pass in my family is residing at the aforesaid address. We had gone to Jammu Kashmir for work, I returned to Ludhiana with my father Vijay Kumar and family after about 20/21 months because my grandfather Kishan Chand is admitted in CMC Hosptial, Ludhiana. Today dated 23.11.2023 I had gone to market for purchasing domestic articles then, Amanpreetpreet son of Satto and his friend, who are friend of a boy namely Akash residing in our neighborhood, waylaid me and threatened me to sit with him on his activa else he will stab my father and other members of the house. When I refused to sit with him on activa then Amanpreetpreet unidentified friend badly beaten me and his up and Amanpreetpreet gave which hit on my

head, gave another blow, takkua/daat blow to me, after which Amanpreetpreet which hit on my right eyebrow. Amanpreetpreet and his friend inflicted many blows, which hit on different part of my body. I tried to ran away from there, then Amanpreet and his friend gave beatings to me and I raised alarm, on which Amanpreet and his friend ran away from the threats to my life. I, spot, while giving drenched in blood, reached my house somehow and my family members took me to private doctor after arranging vehicle Hosptial, Hosptial, and after words was taken to civil Ludhiana but I was sent to CMC Ludhiana for treatment by Civil Hosptial. I have recorded my statement in the presence of my father Vijay Kumar, heard, it is correct. Legal action be taken against Amanpreet and his friend. unidentified sd/- Manisha verified by Vijay Kumar Mb. NO. XXXX, Attested by Raj Pal Singh SI P.S. Division NO.2, Ludhiana dated 24.11.2023.”

3. Learned counsel for the petitioner has argued that the petitioner was arrested on 24.11.2023 and is in custody ever since then. Learned counsel has further argued that there was a consensual relationship between the petitioner and the victim which fell apart later on due to supervening circumstances & the FIR in question is result thereof. Learned counsel, in order to buttress his arguments, has relied upon photographs (copies whereof has been appended as Annexure P-4 with the present petition) as also a pendrive (copy whereof has been produced as Annexure P-7 with the present petition) stated to be containing videos/photographs showing such consensual relationship. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 16.03.2024 in Court, which is taken on record.

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

6. The petitioner was arrested on 24.11.2023 whereinafter investigation was carried out and challan was presented on 17.01.2024. Total 15 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of learned counsel for the parties; as to whether there was consensual relationship between the petitioner and the victim as also the relevance/veracity of the photographs (Annexure P-4) and pendrive (Annexure P-7); 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 trial. Nothing tangible has been brought on record to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 16.03.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 03 months & 19 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. 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.

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 19, 2024
Ajay

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