

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

104+228

CRM-M-9390-2024 (O&M)

Date of decision:24.04.2024

Akashdeep Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Ramandeep Kaur, Advocate for the petitioner.

Mr. Anup Singh AAG Punjab.

SUMEET GOEL, J. (Oral)

CRM-17679-2024

For the reasons stated in the application and in view of submission made by learned counsel for the applicant-petitioner, the application in hand is allowed as prayed for, subject to just exceptions. Documents appended as Annexures P-3 & P-4 are taken on record. Registry is directed to tag them at the appropriate place.

CRM-M-9390-2024

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.87 dated 22.07.2023, registered for the offences punishable under Sections 363 & 366-A of IPC and Section 366 of IPC (added later on) at Police Station Nihal Singh Wala, District Moga.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“Copy of statement of Tarsem Singh aged about 40 Years son of Sohan Singh son of Niranjamb Singh resident of Near Baba Jiwan Singh, Gurudwara Khotia Basti Patto Hira Singh; Mobile No. 99140-29053. Stated that I am resident of the above mentioned address. I am working as

Labourer. I have three children. My eldest daughter is Lakshmi Kaur who is doing nursing study in Barnala. My son Younger to her is Satnam Singh who is studying in +1. My younger all girl namely Preeti Kaur, who is studying in Government School of Patto Hira in 10+1 Class. On dated 17.07.2023. My daughter went to school but did not return. When we inquired about this from school, the teachers said that Preeti Kaur did not come to school today. We were searching our daughter Preeti Kaur in our relatives and other places till date, but we were unable to trace her. My daughter is 15 years of age. Today we came to know that Akashdeep Singh son of Sandeep Singh resident of Bhadar, now resident of Jawahar Singh Wala has enticed away my minor daughter on the pretext of performing marriage with her. Therefore, my daughter may kindly be searched. Appropriate action be taken against Akashdeep Singh."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 07.10.2023. Learned counsel for the petitioner has further argued that there was consensual friendship between the petitioner and the victim which was not to the liking of the family of the victim & it is on this account, the petitioner has been falsely roped in the present FIR. It has been further argued that the petitioner is young man aged about 19 years and his continued incarceration may jeopardize his career prospects. 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 23.04.2024 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 07.10.2023 whereinafter investigation was carried out and challan stands presented on 05.12.2023.

witnesses already stand examined. It is not in dispute that the all the private/material witnesses including the victim, complainant/father of the victim as also mother of the victim stand examined. The rival contention of learned counsel for the parties; as to whether there was consensual friendship between the petitioner and the victim and as to whether the same was not to the liking of the family on account of which the petitioner has been falsely implicated into the FIR in question; 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 forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 23.04.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about 06 months and 17 days & is not shown to be involved in any other IPC offence related FIR.

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

April 24, 2024
Ajay

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