

2024:PHHC:028763

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

223

CRM-M-10130-2023
Date of decision: 29.02.2024

KARAMDEEP SINGH

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Tushar Sharma, Advocate for
Mr. Avneet Singh Cheema, Advocate,
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Kulwinder Singh, Advocate, for
Mr. Abhishek Chha, 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.0179 dated 03.06.2022, registered for the offences punishable under Sections 376 and 506 of IPC at Police Station Derabassi, District SAS Nagar.

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

“To SHO Sahib, PS, Derabassi, It is stated that I Sonia @ Sona, daughter of late Johnson Methew, resident of PS. Bhankarpur, Tehsil Dera Bassi, District SAS Nagar, age 34 years, mobile no. 7707916912, is resident of above said address. We are three brothers and sisters

and all are married. I am working in Satluj World School, Village Sundra as teacher. I and my husband Richard, had got divorce related Panchayati Order. I along with my mother are living in rented premises at Harmony Homes, VIP Road. I met Karamdeep during my stay in that flat at Zirakpur. As we were neighbours, we started visiting one another house. When Karamdeep came to know that I had got divorce as per Panchayti order, he offered me for marriage. He told me that he will take proper care of mine. According we started meeting each other and also had physical relations. When I said Karamdeep that as I am living with you for last four years, do marry me. Karamdeep said that he do not want to marry me run away from here. I along with Karamdeep Singh are residing for last four years, in rented premises. Karamdeep Singh also threatened me that if I go to police or give any complaint, I will be killed. Kindly take legal action against Karamdeep Singh, son of Karnail Singh, resident of Lohgarh, Zirakpur. Sd/- Sonia @ Sona, Sd/- Parveen Kaur, P.S Derabassi dt.03/6/2022.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 12.01.2023 & investigation already stands completed. Learned counsel for the petitioner has further argued that there was consensual relationship between the petitioner and the victim and the promise of marriage made earlier by the petitioner could not be fulfilled due to supervening circumstances. 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. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 12.01.2023 whereinafter investigation was carried out & challan was presented on 13.02.2023. Total 11 prosecution witnesses have been cited out of which the victim already stands examined as PW-1. The rival contentions made by the learned counsel for the parties, as to whether the relationship was established on account of a promise to marry which could not be fulfilled later on due to supervening circumstances, 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 trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence. As per the custody certificate dated 28.02.2024 filed by the learned State counsel, petitioner has suffered incarceration for more than 01 year and 01 month & is not shown to be involved in any other case. Suffice to say, further detention of the petitioner as an undertrial is not warranted.

7. 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.

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

February 29, 2024
poonam

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