

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

105/223

CRM-11894-2024 in/&
CRM-M-9924-2024 (O&M)
Date of decision:14.03.2024

Palwinder Singh @ Pallu

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sahil Choudhary, Advocate for the applicant-petitioner.
Mr. Anup Singh AAG Punjab.

SUMEET GOEL, J. (Oral)

CRM-11894-2024

Present application has been filed under Section 482 Cr.P.C.
seeking amendment in the title of case as well as memo of parties.

For the reasons stated in application and in view of the
submission made by learned counsel for the applicant-petitioner, the same is
allowed as prayed for, subject to all just exceptions. Amended memo of
parties is taken on record. Registry to do the needful.

CRM-M-9924-2024

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.94 dated
14.05.2022, registered for the offences punishable under Sections 363, 366-
A and 376-D of IPC and Sections 3 & 4 of the POCSO Act, 2012 at Police
Station Civil Lines, Patiala, District Patiala.

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

*“Initially the FIR was lodged by Sukha son of Tara Chand son of Ram
Chand for the offence under sections 363, 366A of IPC against some*

unknown person on the allegations that on the night of 12.05.2022 he along with his family went to sleep after having dinner. On 13.05.2022 at about 02.30 AM when his wife got up she found that their eldest daughter/victim was missing and they searched for her in the locality and he suspected that some unknown person had allured their daughter on the pretext of marriage and then he alongwith his wife went to the police station to report the matter. that the victim was recovered by the wife of the complainant on 16.05.2022 at Gurudwara Sri Dukhniwaran Sahib Patiala.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 22.05.2022 and investigation in the case is already complete. Learned counsel has further argued that during the course of trial, the victim (PW-1) as also mother of the victim (PW-3) have turned hostile whereas father of the victim-complainant (PW-2), has not supported the prosecution version & hence, in all likelihood, trial is not likely to culminate into conviction of the petitioner. 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 13.03.2024 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 22.05.2022 whereinafter investigation was carried out and challan stands presented on 05.08.2022. Total 29 prosecution witnesses have been cited, out of which the prime/private witnesses i.e. victim, complainant/father of the victim as also

mother of the victim stand examined. The culmination of the trial will take its own time. The rival contention of learned counsel for the parties; regarding the weightage required to be attached to the testimonies of the hostile witnesses i.e. PW-1 (victim) as also PW-3 (mother of the victim); 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 remaining prosecution evidence. As per custody certificate dated 13.03.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about 01 year and 10 months. Suffice to say, further detention of the petitioner as an undertrial is not warranted.

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/Illaqa 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 14, 2024
Ajay

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