

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

235

CRM-M-13209-2024

Date of decision:19.03.2024

Vishal

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amandeep Saini, Advocate for the petitioner.
Mr. Anup Singh AAG Punjab.

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.34 dated 29.03.2023, registered for the offences punishable under Sections 363 and 366 of IPC at Police Station Nangal, District Rupnagar.

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

"Copy of Application, "TO, SHO, PS Nangal, District Rupnagar. Sir, Request that I am Rani W/O Sunil Kumar resident of village Meena Sofi Police Station Cantt District Jalandhar. I am doing domestic work. I have two children one girl Ishka age 14 years and boy Abhay age about 13. On 04-03-2023 I alongwith my daughter Ishka age about 14 years whose date of birth is (27-04-2009) and boy Abhay went to my Mother Pushpa Devi Wd/o Mohan lal, resident of Umm Gali, Nangal Police Station, Nangal District, Rupnagar, as my husband Sunil Kumar has gone to Sri Nagar for work. Today, 29-03-2023 time around 2 o'clock in the afternoon, my daughter Ishka took her clothes bag and birth certificate along with her Aadhaar card and went somewhere without asking me. We are serchig her everywhere in owr relations but could not find her I am sure that my daughter Vishal son Gondi resident of our village has allured and taken her with him on the pretense of marriage because Vishal son Gondi who belongs to my village has already harassing my daughter used to disturb her due to which I had come to my parents' house in Nangal with my

daughter Ishka and son Abhay. I am requesting you to help me find my daughter Ishka and take legal action against Vishal Rani "

3. Learned counsel for the petitioner has argued that the petitioner was arrested on 18.09.2023. Learned counsel has further argued that the FIR in question was got registered against the petitioner due to the misconception on part of complainant. It has been further argued that, better sense prevail between the parties and in order to live peacefully, the parties have entered into a compromise dated 17.10.2023 as per which both the parties agreed not to proceed further with the FIR in question. It has been further argued that a compromise quashing petition has also been filed in this Court vide CRM-M-6644-2024 wherein an order has been passed on 08.02.2024 for recording of statements of the parties & the next date of hearing fixed in that case is 21.05.2024. 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 18.03.2024 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 18.09.2023 whereinafter investigation was carried and challan was presented on 22.12.2023. Total 16 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 the veracity & effect of the compromise stated to be entered into between the

petitioner and the complainant/victim; shall be gone into appropriate proceedings. 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 18.03.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 06 months & 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/Illaqqa 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