

2024:PHHC:041752

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CRM-M-14018-2024
Date of decision: 22.03.2024

INDERJIT SINGH ALIAS JATINDER SINGH

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Brijeshwar Singh Bhalla, 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.116 dated 16.09.2023 registered for the offences punishable under Sections 376 & 506 of IPC and under Section 4 of Protection of Children from Sexual Offences Act, 2012 (Amended in 2019), at Police Station District Nihal Singh Wala, District Moga.

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

“Statement of Harpreet Kaur @Ashu daughter of late Jaswinder Singh @nahar Singh son of Jagtar Singh r / o Village Dhurkot Ransi P.S. Nihal Singh wala Distt. Moga aged about 15 years. It is stated that I am resident of above said address and have passed 7th class from Govt. Middle School Dhoorkot Ransi and now do a domestic work. My father expired last year in 2020. We are three brother/sisters. The eldest one is my sister Manpreet Kaur aged about 21 years who is married and I am younger to

her and my brother is the youngest whose name is Navdeep Singh aged about 6 years. After the death of my father Inderjit Singh @Jatinder Singh son of Gurbhej Singh resident of Ajit Wal Distt. Moga aged about 23 years who is son of my Bhua started residing in our house. My mother Soni Kaur started doing labour job after the death of my father. Inderjit Singh used to physical relations forcibly with me in one of the room in our house from last one year under threat after my mother went for a job and always threatened me that if I disclosed this thing to anyone then he will kill me and my brother and I never told this thing to anyone under his fear. My mother came to know about this in January 2023 and my mother made Inderjit Singh to understand and sent him to his village Ajitwal but he kept on following me. Whenever my mother used to go for a labour job then sometime he came to our house had physical relation with me forcibly under threat as I was alone at home. On 10.08.2023 my mother Soni Kaur had left the house for her job and on that day Inderjit Singh @ Jatinder Singh came to our house and had physical relation with me forcibly under threat and meanwhile my mother came back and Inderjit Singh ran away from our house and my mother enquired from me and I disclosed every thing to her while wiping and till now the talks of compromise were going on and my mother talked to our relatives as well as relatives of the boy and told that she will marry me with him after I attain the age of 18 years and Inderjit Singh stated that he will never marry me because I am not beautiful and then our relatives decided to take legal action against Inderjit Singh so that he may not exploit other girls. Today I alongwith my mother Sony Kaur was coming to give you information in PS Nihal Singh Wala and I have given my statement in the presence of my mother. Statement given which is correct. Justice be given to me. Sd / Harpreet Kaur.”

3. Learned counsel for the petitioner has argued that the petitioner was arrested on 24.09.2023. Learned counsel has further referred, *in extenso*, to the statements of PW-2 (victim) as also PW-3

(mother of the victim) to argue that the material witnesses have turned hostile & hence the trial is not likely to culminate into conviction. 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 24.09.2023 whereinafter investigation was carried out & challan was presented on 30.10.2023. The rival contention of the learned counsel for the parties regarding the weightage required to be attached to the testimony of the hostile witnesses i.e. PW-2 (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 case of the either parties. 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 21.03.2024 filed by the learned State counsel, petitioner has suffered incarceration for about six months & is not shown to be involved in any other case. Suffice to say, in the facts and circumstances of the present case, 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

March 22, 2024
poonam

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