



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.16705 of 2024

Date of Decision : 22.05.2024

Mandeep Singh @ Manna

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vishal Mehta, Advocate for the petitioner.

Mr. Jasjit Singh, DAG Punjab.

Mr. Parveen Chauhan, Advocate for the complainant.

ALKA SARIN, J. (Oral)

1. This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.16 dated 04.02.2023 under Sections 363, 366-A, 367, 120-B of the Indian Penal Code, 1860 [Section 79 of Juvenile Justice (Care and Protection of Children) Act, 2015 alongwith the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 read with Bonded Labour System (Abolition) Act, 1976 and Sections 370, 468, 471 of IPC were added later on] registered at Police Station City Patti, District Tarn Taran. The first petition being CRM-M-45273-2023 was dismissed as withdrawn on 21.12.2023.

2. Learned counsel for the petitioner would contend that the petitioner in the present case was not named in the FIR and has been nominated only on the basis of the disclosure statement of co-accused,



namely, Parveen Kumar. It is further the contention that in the disclosure statement said Parveen Kumar stated that all the Aadhaar cards were got changed at the shop of the petitioner and that the petitioner was aware that he used to send the girls to Bareilly after changing their date of birth and age in their Aadhaar cards. On the basis of the said disclosure statement, vide DDR No.30 dated 02.07.2023 the petitioner has been nominated in the present case. Learned counsel for the petitioner would further contend that there is no other incriminating material on the record qua the petitioner. It has further been contended that he has been in custody for a period of 10 months and 16 days and that he has clean antecedents.

3. Status report by way of affidavit of Sh. Kanwalpreet Singh, PPS, Deputy Superintendent of Police, Sub Division Patti filed by learned State counsel is taken on record wherein it has been stated that the petitioner herein has been nominated on the basis of a disclosure statement of Parveen Kumar. On a query by the Court as to whether there is any other incriminating material qua the petitioner, learned State counsel on instructions from ASI Daler Singh has answered in the negative.

4. Learned counsel appearing on behalf of the complainant would contend that the victim was subjected to rape as per her statement and charges of rape are yet to be added in the present FIR.

5. Heard.

6. In the present case the petitioner herein was not named in the FIR and has been nominated only on the basis of disclosure statement of Parveen Kumar who stated that the Aadhaar cards were changed at his shop. There is no other incriminating material against the petitioner. As per



custody certificate the petitioner has already been in custody for a period of 10 months and 16 days and there is no other case pending against him.

7. In view of the above and without commenting upon the merits of the case and keeping in view the fact that the conclusion of trial is likely to take some time and no useful purpose would be served by keeping the petitioner behind bars, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the Area Magistrate/Trial Court concerned. Additionally, the petitioner shall not in any manner, directly or indirectly, try to contact the victim or her relatives or try to put any pressure on her.

8. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

9. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

10. Disposed off. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

22.05.2024
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO