

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

CRM-M-18733-2024

Date of Decision: 24.04.2024

Janta Singh @ Gurjant Singh @ Jantu

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Harish Goyal, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 240 dated 28.12.2022 registered under Sections 363 and 366-A IPC at Police Station Bhikhi, District Mansa.

The aforesaid FIR was registered on the basis of statement of the father of the victim which is reproduced as under:-

“Statement of Harbans Singh S/o Nachattar Singh S/o Gaadha Singh R/o Fafde Bhaiko aged around 45 years, mobile no. 90410-05955 that I am resident of the abovesaid address. I have three children-2 Boys and youngest of all daughter whose date of birth is 12.07.2007. My daughter studied upto 10th class in Government School for girls who later stopped going to school. On 26.12.2022 at around 12:30 p.m. in afternoon my daughter xxxx served me food

and I started having my lunch. My wife Rani Kaur was bathing at that time and during this my daughter xxxx left home and didn't come back. Till now we were searching for her with our relatives, but we couldn't get any lead regarding her whereabouts. Now I came to know that my daughter xxxx went with Gurjant Singh alias Jantu S/o Mithu Singh R/o Gharagana whose sister is married in our village and who use to come frequently to our village and used to follow my daughter xxxx. I came to know that Gurjant Singh on the pretext of getting married to my daughter, influenced her and has taken her somewhere. Action should be taken against Gurjant Singh alias Jantu S/o Mithu Singh R/o Gharagana.....”

Learned counsel for the petitioner, *inter alia*, submits that at the time of alleged incident, the victim was stated to be 16 years of age. Learned counsel for the petitioner refers to the statement of the victim recorded under Section 164 Cr.P.C., wherein she has stated that she knows the petitioner since last 05 years, and that on the date of incident i.e. 22.12.2022, she had accompanied the petitioner of her own free will and the present FIR was lodged by her father on false allegations. Now, the victim while appearing as PW-1 (Annexure P-4) before the learned trial Court has turned hostile and has not supported the case of the prosecution. There are no allegations in the FIR qua offence under Section 376 IPC and even no charge to this effect has been framed against the petitioner by the learned trial Court. The petitioner has been in custody since 02.03.2023 i.e. for the last more than 01 year. The trial is likely to take a long time to conclude. No useful purpose would be served by further detention of the petitioner in custody. Thus, it is prayed that

petitioner be released on regular bail.

Per Contra, learned counsel for the State vehemently opposes the prayer for grant of regular bail to the petitioner and submits that victim was recovered from the custody of the petitioner from the bus stand. On instructions from ASI Nachhattar Singh, learned counsel for the State informs that age of the victim at the time of abduction was 15 years and 09 months. She further submits that the victim had refused to undergo medico-legal examination. Further, it is submitted by learned counsel for the State that out of total 10 prosecution witnesses, only 01 witness i.e. the victim has been examined so far.

Learned counsel for the State has filed custody certificate dated 23.04.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 01 year, 01 month and 22 days. As per custody certificate, there is no other case against the petitioner.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case; including the custody period undergone by the petitioner and perusal of the custody certificate reveals that there is no other case against the petitioner; and also the fact that conclusion of trial will take considerable time as out of total 10 prosecution witnesses only 01 has been examined so far, and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed**.

The petitioner-Janta Singh @ Gurjant Singh @ Jantu S/o Mithu Singh, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

24.04.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No