



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-19136-2024
Date of decision: 16.05.2024

Nanak Singh

....Petitioner

V/s

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Ruhani Chadha, 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.124 dated 09.09.2023 registered for the offences punishable under Sections 363, 365, 366-A, 506 and 120-B of IPC (Section 376 of IPC added later on) at Police Station Subhanpur, District Kapurthala.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Statement of Shri Jasvir Singh son of Jarnail Singh son of Baaj Singh resident of Village Boot Police Station Subhanpur District Kapurthala aged around 45 years, Mobile no. 89683-44782, made a statement that I am resident of above said address and at present I am the official Panch of the Village Boot. I have four children, the eldest boy is Rajwinder Singh, younger to him is girl



Harpreet Kaur and younger to her is girl Manpreet Kaur and the youngest boy is Rajinder Singh. In our neighbourhood Piara Singh son of Baghiar Singh lives in his own residence along with his family and relatives. The house next to them belongs to my sister-in-law wife of Udham Singh and they are relative with each other. Yesterday on dated 08.09.2023 the time would be around 10.30 PM that I was starting to rest after having meal with my family, then suddenly the gate of my house was knocked and my wife Kulwinder Kaur opened the gate and behind her I also came outside near the gate. Then we saw that our neighbour Loddi wife of Piara Singh and her daughter Jeeta came and told us that Fateh Kaur's health has deteriorated and we have to take Fateh Kaur to the hospital for treatment and you send your daughter Manpreet Kaur with us to leave her home for some time. My wife Kulwinder Kaur sent the girl Manpreet Kaur with them and after about 15-20 minutes I and my wife Kulwinder Kaur also went to the house of Fateh Kaur. When we reached the street, we saw that there was a white un-numbered Scorpio car parked besides which Kulwant Singh alias Pamma son of son of Swaran Singh and Visakha Singh son of Tikka Singh of our Village were standing. Those who on seeing me and my wife, raised Lalkara at me and said that you become the official Punch, today will give you the result of the application which you have given against us against us to occupy the pond and they were holding Datars in their hands. Before we could understand something from them, we saw that my daughter Manpreet Kaur was being held by Loddi wife of Piara Singh from hairs. One of her arm was held by Jeeta daughter of Piara Singh and other arm was held by Gurbachan Kaur wife of Tikka Singh. My daughter was trying to free herself from them and while we were watching, Babbu son of Piara Singh, Varinder Singh son of Piara Singh, Ram Singh son of Tikka Singh and others, they grabbed my daughter by her legs and waist and Vishaka Singh son of Tikka Singh suddenly opened the middle window of the Scorpio car and my daughter Manpreet Kaur who was trying to free herself from them, forcibly picked her up and threw her into the Scorpio car I and my wife went



forward begging them in a panic, then Jasvir Singh alias Sheer son of Tikka Singh gave blow on me with Dattar carrying in his hand and Kulwant Singh immediately started the vehicle and ran away and behind them Jasvir Singh alias Sheer, Visakha Singh son of Tikka Singh who are brothers fled away from the spot by raising Lalkaras and by giving threats to kill. Seen this sudden incident, my wife Kulwinder Kaur got unconscious and fell in the street. When I shouted high, then on hearing my voice my brother Paramjit Singh and my mother Parseen Kaur and other family members came and took my wife Kulwinder Kaur inside the house. I told about this incident to my Village Numberdar Rajpal Singh. former Panch Kashmir Singh and other Village acquaintances over the phone, all of them started looking for the Scorpio car and the abductors on their respective vehicles and they continued to look for them till late night but they could not be found All of them have forcibly abducted my daughter Manpreet Kaur and kept her detained in some unknown place and I am afraid that my daughter Manpreet Kaur will not be harmed. In this regard we also gave information at Police Station Subhanpur, while escaping from the spot, all the accused also threatened that your daughter Manpreet Kaur has to be married to Babbu and to dwell in front of you. What did you do against us by giving a complaint against us earlier also for taking over the village pond, even now, we have forcibly taken away your daughter, so what will you do now. I have now recorded my statement along with the numberdar Rajpal Singh of my village and the member Block Samiti Gurmeet Singh for taking legal action regarding what happened with us. I am the victim, legal action may be taken and justice be granted to me and to recover safely my daughter who is minor, from these accused. I also came to know that all of them had made a false excuse of illness of my sister-in-law Fateh Kaur. The statement has been recorded, heard and the same is correct. Verified Jasvir Singh above said Sd/- Rajpal Singh Numberdar, Verified Gurmeet Singh Member Block Samiti. Attested Sd/- Rajinder Kumar ASI Police Station Subhanpur District Kapurthala. Dated 09.09.2023.”



3. Learned counsel for the petitioner has argued that the petitioner is in custody since 10.09.2023. Learned counsel for the petitioner has further argued that there was consensual relationship between the petitioner and the victim which was not to the liking of the family of the victim and hence the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further submitted that the police had obtained CCTV footage of toll plaza as also hotel(s) at Amritsar where the victim-Manpreet Kaur and the petitioner-Nanak Singh were living together in such hotels on their own volition. Learned counsel for the petitioner has further referred to the status report dated 15.05.2024 filed in Court today and has specifically placed reliance on the following averments therein:-

“(h) That the accused Nanak Singh @ Babbu i.e. petitioner was produced before the Ld. Court below and his police remand was obtained. That during the questioning the accused stated that he made physical relations with victim (name with held) against her will, upon which offence under Section 376 IPC was added in the FIR No. 124 (Supra) vide DDR No. 18 dated 14.09.2023.

(i) That during the further questioning of the accused Nanak Singh @ Babbu, i.e. petitioner made a disclosure statement, whereby he stated that earlier he was frightened and the truth is that he was in relationship with victim (name with held) from some time, which was known to the family members of victim and on the night



of 08.09.2023 at about 7:30 PM, when victim came to him, he was standing outside his house.

That victim started asking him that because of their relationship, her family is harassing her and she will die, upon which accused Nanak Singh @ Babbu i.e. petitioner and victim (name with held) had some money with them. That Nanak Singh @ Babbu i.e. petitioner informed his uncle's son Manga Singh about this and he took them on his motorcycle Platina to. Toll Plaza Dhillwan and dropped them their at about 8:10 PM.

That from where both of them boarded the bus and went to Amritsar. That they took a room on rent at Paras Regency Hotel in front of Bus stand at about 9:30 PM after giving their Aadhar Card(s), where they made physical relations as per their wish and will. That on the next day i.e. 10.09.2023 at about 8:30 in the morning they left the room and about 9:30 AM they went to Sehaj Guest House near Darbaar Sahib, Sri Amritsar Sahib.

That at about 8:30 PM in the evening they again went to bus stand Amritsar and took a room in Hotel Diamond after giving their Aadhar Card(s) and on the next day i.e. 11.09.2023 they left the room at 8:30 AM and sat in the bus which was going to Chandigarh.

That when they reached the bus stand at Sector 43 Chandigarh, they took an auto rickshaw and went to King Hotel, Sector 52, Chandigarh and took a room on rent and in the morning they had to meet an Advocate for Marriage at Hon'ble Punjab and Haryana High Court, Chandigarh and in the night someone knocked their Door and upon opening there was Numabardar of



Village Boota and father of the victim, who took us to Village Boota alongwith them in their car.

That he also stated that they went as per their own wish and will. That the victim was not forced by his family members and nor they went in the car of Kulwant Singh @ Pamma. That the name of Kulwant Singh @ Pamma was taken by complainant Jasvir Singh because of party (Politics) difference.

(j) That during the further investigation the record was obtained from the Hotel(s) which were disclosed by the accused Nanak Singh @ Babbu i.e. petitioner by the Investigating Officer and the same was taken on record.

(k) That during the further investigation the accused namely Kulwant Singh was arrested by the Investigating Officer on 19.10.2023 and his medical as well as DNA Test was got conducted on 20.10.2023 at Civil Hospital, Kapurthala and thereafter, he was produced before the Ld. JMIC, Kapurthala and police remand was obtained.

(l) That during the investigation the accused Kulwant Singh @Pamma made a statement that he does not have any Scorpio Car and also stated that his name has been implicated in the FIR by Jasvir Singh complainant because of rivalry of the parties (Politics), thus his name has been falsely implicated in the present FIR and they are. 2 brothers and they have two motorcycle for house hold usage, because of which Scorpio Car could not be recovered in the present case.”

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 10.09.2023 whereinafter investigation was carried out & challan was presented on 03.11.2023. Total 30 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of the learned counsel for the parties; regarding the veracity as also weightage required to be attached to the CCTV footage and the factum of the petitioner and the victim staying in hotel(s) together allegedly on account of their own volition as also the question of the petitioner having been falsely implicated into the FIR in question since the relationship between the petitioner and the victim was not to the liking of the family 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 prosecution evidence. As per the custody certificate dated 15.5.2024 filed by the learned State counsel, the petitioner has suffered incarceration for about 07 months and 28 days & is not shown to be involved in any other IPC related offence. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.



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.

May 16, 2024

poonam

(SUMEET GOEL)
JUDGE

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