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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21559-2024 (O&M)
Date of Decision: 06.05.2024

Jashandeep Singh @ Jashan

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. J.K. Singla, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Ms. Kashish Garg, Advocate
for the complainant.

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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.19 dated 14.02.2024, registered for the offences punishable under Sections 363 and 366 of IPC at Police Station Bareta, District Mansa.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Copy of statement, Statement of Sukhwinder Singh Son of Budh Singh Son of Mattu Ram, resident of Ward No.4, Near Bhawa Road, Kulrian aged about 48 years old, M.No.98762-91158 stated that I am resident of above-mentioned address and working as Agriculturist. I have three children i.e. elder from all namely Bindri Kaur aged about 16 years whose Date of Birth is 11.12.2007 and who is still minor and my daughter Bindri Kaur is studying 10+1 Class in Silver Vatika School at Dharampura. That yesterday, my wife Paramjeet Kaur gone to Ratia to attend marriage in our relation and yesterday evening, I and my three children were slept in one room after having food as per daily routine and I along with my children Anmol Singh and Prabhjot Kaur were slept on bed and my daughter Bindri Kaur was slept separately on cot. That the time was about 1:30 at night that when I got up for washroom then my

daughter was not on cot and to whom, I searched in my house and my daughter Bindri Kaur was missing from our house and today morning, my wife Paramjeet Kaur has also come back from Ratia in our relation and till now we were searching my daughter Bindri Kaur in nearby and in our relatives but my daughter Bindri Kaur were not found anywhere to us and now we are fully sure that Jashandeep Singh alias Jashan Son of Sukhjinder Singh, resident of Kulrian taken away my daughter Bindri Kaur on the pretext of marriage by alluring her. My daughter Bindri Kaur be got recorded from his possession and be handed over to us and legal action be taken against above said Jashandeep Singh alias Jashan. Statement was recorded with you, which was heard and correct. LTI Sukhwinder Singh above said.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 14.02.2024. Learned counsel for the petitioner has further argued that the investigation in the case is complete and the challan stands presented. Learned counsel for the petitioner has further argued that the victim has refused to undergo medical examination & hence there is no medical evidence available on record to substantiate the case of the prosecution. Learned counsel for the petitioner has further argued that the victim had left the custody of her lawful guardian on her own accord. Thus, regular bail is prayed for.

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.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 14.02.2024 whereinafter investigation was carried out & challan was presented on 02.04.2024. Total 12 prosecution witnesses have been cited and hence culmination of the trial will take its own time. The rival contention of the learned counsel for the parties regarding; the weightage required to be attached to the factum of the

victim refusing to undergo medical examination as also whether the victim had left the custody of her lawful guardian on her own accord; 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. The petitioner is a youngman aged 19 years with no criminal antecedents. Nothing perceptible 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 03.05.2024 filed by the learned State counsel, the petitioner has suffered incarceration for 02 months and 18 days. 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 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 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/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.

06.05.2024

Jasmine Kaur

(SUMEET GOEL)

JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No