



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

205

CRM-M-23187-2024

Date of Decision: 14.05.2024

Surjeet Singh

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. B.S. Beniwal, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

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. 339 dated 28.07.2023 registered under Sections 323, 344, 363, 366-A, 376(2)(n), 376(3), 120-B and 506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sadar Sirsa, District Sirsa.

The aforesaid FIR was registered on the basis of complaint moved by the mother of the victim, which is reproduced as under:-

“.....Application for taken legal action regarding abducting a minor girl against the 1. Karan son of unknown resident of village Sadhuwala Tehsil Sardulgarh District Mansa Punjab M. No. 83606-02174, 2. Pawan son Shri Ram, 3. Chhindi wife of Shri Ram, resident of village Panihari Tehsil and District Sirsa M.No.74950-40676, 82229-00174. Sir, it is



requested that applicant is resident of village Panihari, Tehsil and District Sirsa, who makes the following request in the above mentioned matter- It is that the applicant have two children, a boy Balram aged 16 years and a girl xxxx born on 28.10.2009 aged about 14 years. 2. That daughter of applicant namely xxxx aged 14 years, is missing from home since yesterday afternoon i.e. 27.07.2023. Who is wearing purple coloured salwar kurta, fair complexion, height is about 5 feet and is wearing slippers on her feet. Applicant and her family member have personally searched and contacted their relatives and acquaintances, but till date the girl has not been found anywhere. 3. That after personal investigation by the applicant and his family, it was found that the above accused no. 1 Karan, who used to visit his aunt's house in the applicant's village, who accused no. 1 after together with accused No. 2 and 3 abducted the applicant's minor girl, aged 14 years, from her house yesterday afternoon on 27.07.2023 and yesterday also accused no. 2 are also missing from the house. Applicant and her family having the fear that the above accused might together do something untoward with the girl. Therefore, you are requested to please register a case against the above accused and take legal action against the above mentioned accused for abducting the minor girl and help in finding the applicant's girl. It will be your great pleasure....."

Learned counsel for the petitioner, *inter alia*, submits that the petitioner has been falsely implicated in the present case. There is no allegation of rape against the petitioner. It is stated that the only role attributed to the petitioner is that the victim aged about 14 years and the main accused, namely, Karandeep had approached the petitioner to provide them some shelter to stay, and also that they may be granted



some labour work in the fields. It is stated that as such, to help them the petitioner had permitted them to stay in his house and had also procured some labour work for them in the fields. The petitioner has been in custody since 04.02.2024. There is no other case against the petitioner. The trial is likely to take a long time to conclude. Thus, it is prayed that petitioner be released on regular bail.

Learned counsel for the State has admitted the above-stated facts to be true; and admits that there is no allegation of rape against the petitioner; and the only allegation against the petitioner is that he harbored the main accused-Karandeep and the victim.

Learned counsel for the State has filed custody certificate dated 13.05.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 03 months and 10 days. As per the custody certificate, there is no other case against the petitioner. On instructions, from SI Sheelu, learned counsel for the State informs that challan in the present case has been presented before the trial Court on 22.03.2024 and the next date of hearing before the learned trial Court is 17.05.2024, for framing of charges.

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 trial has not commenced as the same is still at the stage of framing of charges, therefore, its conclusion will take considerable time; and no useful



purpose would be served by further detention of the petitioner in custody.

Thus, the present petition is **allowed**.

The petitioner-Surjeet Singh S/o Sulakhan 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.

14.05.2024

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No