



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

203

CRM-M-25024 of 2024

DATE OF DECISION :- 31.05.2024

Sarvesh @ Chikoo @ Sarvesh Chauhan

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Rishav Jain, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Lalit Goyal, Advocate for respondents No. 2 and 3.

SUMEET GOEL, J. (Oral)

Mr. Lalit Goyal, Advocate has filed vakalatnama for respondent No. 3 also. The same be taken on record.

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.330 dated 27.11.2023, registered for the offences punishable under Section 346 of IPC, (later on added Sections 365/376/506/406 of IPC and later on deleted Section 346 of IPC and later on added Section 201 of IPC) at Police Station Mundkati, District Palwal.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“To, SHO, Police Station Mundkati, Palwal. Sir, It is requested that I, ratiram S/O Kishan Singh, Police Station Mundkatti District Palwal. I have four children, consisting of 3 daughters and 1 son. My youngest daughter Reena aged about 19 years, whose marriage has been solemnized with Mohit S/O Rajender Singh R/O Najafgarh (110043), six months ago. On dated 25.11.2023 at about 12:30 PM, my daughter Reena left the house to go to within the village on the pretext of dry-clean of the suit, but she has not came back yet. Girl Reena has worn light orange coloured Salwar suit, pink jacket and black sleepers, height is approx.. 5'4" and I



have complete faith that Sarvesh @ Chiku S/O Vir Singh @ Maddi R/O Village Mitrol has enticed my daughter and took her away on the pretext of marriage. Girl Reena has also taken away documents and gold ornaments (given on marriage also) alongwith her. Girl Reena's Mobile number is 8527132206 and boy Sarvesh's Mobile Number is 8395940709. Therefore, it is requested that my daughter Reena may kindly be searched / find as soon as possible. I have conducted the search of my daughter on my level till now, but did not found her. Sd/ LTI of Ratiram Applicant Ratiram S/O Kishan Singh R/O Village Aurangabad. Mob. No. 7027452810, 7082638963, 9671470586. From Police Station: Upon receipt of above said application in the police station, FIR No. 330 dated 27.11.2023 has been got registered U/S 346 of IPC at Police Station Mundkati. Copies of the FIR has been prepared through CCTNS in accordance with law and are being sent to Illaqa Magistrate and Senior Officers through post. Copy of case file alongwith original application and complainant and myself HC departed to the spot. Note: IO of the above said FIR is SI Sunder whereas the FIR has been got registered in the presence of ASI Ravi. Note: this case has been registered in the presence of SI Sunder."

3. Learned counsel for the petitioner has argued that the petitioner was arrested on 03.03.2024. Learned counsel has further argued that the FIR was got registered by respondent No. 3 on account of a misunderstanding and now a compromise has been effected between the parties. In this regard, learned counsel for the petitioner has placed reliance upon an affidavit dated 08.05.2024 sworn in by the victim. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned counsel for respondents No. 2 and 3 have ratified the fact that the FIR in question was on account of a misunderstanding which has now been resolved and a compromise/settlement has also been arrived at between the parties. Learned counsel for respondents No. 2 and 3 has further submitted that a compromise quashing petition has also been preferred before this Court vide CRM-M-24540 of 2024.

5. 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. Learned State counsel seeks to place



on record custody certificate dated 30.05.2024 in Court, which is taken on record.

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

7. The petitioner was arrested on 03.03.2024 whereinafter investigation was carried out and challan stands presented on 19.04.2024. Total 24 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of learned counsel for the parties regarding the settlement/compromise having been entered into between the parties as also effect thereof on the trial in question; shall be gone into in appropriate proceedings. 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 custody certificate dated 30.05.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 02 months and 27 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

8. In view of above, the present 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.

9. 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.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

31.05.2024
P.Singh

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