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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision:06.02.2024

Sandeep Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. C.S. Singhal, Advocate for the petitioner.

Mr. Hemant Aggarwal, 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.103 dated 02.12.2021, registered for the offences punishable under Sections 363, 366A/34 and 376 IPC and Section 4 of POSCO Act at Police Station Valtoha, District Tarn Taran.

2. The case set up in the FIR in question is as follows:-

"Statement of Gurmej Singh S/o. Chanan Singh R/o. Algon Khurd, Tehsil Patti, Distt. Tarn Taran.

Stated that I am resident of above said address and having three daughters and one son is aged about 16 years. On 07/08.11.2021, I alongwith my family members including my daughter had gone to village Kaimwala to attend the marriage ceremony of grandson of my aunt (Bhua) Palo W/o Shama Singh. During marriage I found that Sandeep Singh who is other grandson of my aunt Palo, started saying to my daughter that he wanted to marry her. After marriage, they came back to their house at village Algo Khurd. My daughter is doing job at Suvidha Center at Village Algo Khurd. On 27.11.2021 as usual, my daughter left the house for going to Suvidha Center, but did not return back in the evening. I made efforts to trace her out but not able to find her. I am is of firm belief that my

daughter had been enticed away by Sandeep Singh S/o Late Bagicha Singh on the pretext of marrying with her and in his this act, his mother Amarjit Kaur, his sister Daljit Kaur and brother in law (jija) Kala Singh had helped him. Action be taken against the accused. Sd/- Gurmej Singh”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 09.12.2021 and investigation in the case is already complete. Learned counsel has further argued that there was friendly relationship between the petitioner and the victim which was not to the liking of family of the victim and hence the FIR in question was got registered against the petitioner. In this view of the matter, learned counsel has prayed for grant of regular bail.

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. Learned State counsel seeks to place on record custody certificate dated 05.02.2024 in Court, which is taken on record.

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

6. The petitioner is in custody since 09.12.2021 and as per the custody certificate dated 05.02.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 02 years and 01 month. The rival contention of learned counsel for the parties, regarding the FIR in question having been registered on account of non-liking by the family members of the friendly relationship between the petitioner and the victim, will 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 case of either parties. The testimony of the victim, as a prosecution witness, already stands recorded during the course of trial. Further, no perceptible material has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence. Suffice to say, further detention of the petitioner as an undertrial is not warranted.

7. 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.

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

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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.

(SUMEET GOEL)
JUDGE

February 06, 2024
Ajay

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