



135+213

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24829-2024 (O&M)

Date of Decision: 30.05.2024

SANDEEP SINGH @ RAHUL

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. J.S. Mahal, Advocate for the petitioner.

Mr. Yuvraj Singh Tiwana, Asstt. A.G., 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.0004 dated 08.01.2023, registered for the offences punishable under Sections 363, 366 and 34 of IPC, (Sections 506 and 120-B of IPC and Section 8 of POCSO Act added later on) at Police Station Kotli Surat Mallian, Police District Batala, District Gurdaspur.

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 Sukhpal Singh son of Dalbir Singh resident of Dhilwan, aged about 38 years, Mobile no.81948-24161, stated that I am resident of above said address and is driver of school bus at Dashmesh Public School, Kotli Surat Mallian, I have two children, elder son Varinder Singh who studies in 10th class and younger daughter Mehakpreet Kaur aged about 14 years and studied in class 10th. My both children studied in Dashmesh Public School Kotli Surat Mallian. On 07.01.2023, time was about 05:30 PM that my daughter Mehakpreet Kaur for taking milk went to village from home. Who did not return and we started searching our daughter Mehakpreet Kaur and



not found. Upon which I have doubt that my daughter Mehakpreet Kaur has been enticed by Rahul son of Hardev Singh resident of Dhilwan with intention to marry and Gopi son of Hardev Singh resident of Dhilwan and Harjit Kaur @ Jitti wife of late Kamli resident of Dhilwan has helped in taking away my daughter. I was coming to inform you at police station that you have met. I am aggrieved, legal action be taken. Sd/ Sukhpal Singh abovesaid, attested Anju Bala L/ASI, Police Station Kotli Surat Malli, dated: 08.01.2023. Police Proceedings: Today I L/ASI alongwith ASI Amrik Singh 3055/BTL, S/CT Jatinder Singh 967/PTK, CT Sajan Masih 2312/ BTL, L/CT Manpreet Kaur 2782/BTL on private vehicles for patrolling in search of bad persons were present at Adda Dera Pathana then Sukhpal Singh son of Daljit Singh, resident of Dhilwan came to me L/ASI and got recorded above stated statement and statement was read over to him and after accepting it correct, signed in Punjabi and I L/ASI attested it. From the statement offence under section 363, 366 of IPC is made out. For registration of FIR, statement by hand CT Sajan Masih 2312/BTL is sent to police station. After registration of FIR, number be informed. Special reports be issued and officers and Illaqa Magistrate be informed. Control room be informed through wireless. I L/ASI alongwith other companions and complainant Sukhpal Singh son of Dalbir Singh resident of Dhilwan is going to the occurrence Village Dhilwan. Sd/- Anju Bala, L/ASI Police Station Kotli Surat Malli, 08.11.2023.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 08.01.2023. Learned counsel for the petitioner has further argued that the petitioner has been falsely implicated into the FIR in question as there was rivalry, on account of party faction in the village, between the petitioner's brother and father of the victim. Learned counsel for the petitioner has further argued that semen was not detected as per the DNA report in question & hence there is no medical evidence to corroborate the case of the prosecution. 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 08.01.2023 whereinafter investigation was carried out & challan was presented on 09.03.2023. Total 19 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 factum of false implication of the petitioner as also cause behind the same & the nature/kind of the medical evidence brought forward by the prosecution; 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 young man aged 23 years with no criminal antecedents. 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 28.05.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 01 year and 04 months. Keeping in view the totality of facts and circumstances of the case, further detention of the petitioner as an undertrial is not warranted.

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/Illaqa 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.

30.05.2024
Jasmine Kaur

Whether speaking/reasoned
Whether reportable

(SUMEET GOEL)
JUDGE

Yes No
Yes No