



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

202

CRM-M-25512-2024

Date of Decision: 24.05.2024

Harjap Singh @ Punni

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. IS Dhaliwal, Advocate for the petitioner.

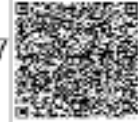
Ms. Aakanksha Gupta, AAG, Punjab.

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. 28 dated 27.02.2024 (Annexure P-1) registered under Sections 354-D, 341, 323 and 506 read with Section 34 IPC [Section 11(4) of the Protection of Children from Sexual Offences Act, 2012 (for short- 'the POCSO Act') was added later on] at Police Station Sadar Sri Muktsar Sahib, District Muktsar Sahib.

The aforesaid FIR was registered on the basis of statement of the complainant/victim herself, which is reproduced as under:-

“.....Statement of xxxxx daughter of xxxx resident of Mod Road, Sunder Nagar, Sri Muktsar Sahib age about 17 years Mobile number 70197-22485 stated that I am a resident of the said address. We are two brothers and sisters. I am younger than my brother. My age is 17 years and I am doing



GNM nursing course at Adesh Bhagat (University Mata Jarnail Kaur College) Kotakpura Road Sri Muktsar Sahib which is about 3-1/2 years course and I have been going to college for about 05 months. Like everyday, on 21.02.2024 I was coming back to my home at about 2.00 PM after finishing my college Adesh Bhagat University. When I came to the main gate of the college, then Lovepreet Singh of village Badhai, who was my classmate in DAV school was standing in front of the gate and stopped me in front of the gate and stopped my scooter number PB30L 3650 and came forward and pushed me and threatened me that I will pick you up and take you away and spoke about my cast and slapped me and threatened to kill me. Lovepreet Singh has been following me from long time and on 26.02.2024 I went to my college again, when I was coming back, at around 2.00 PM, he tried to stop me in front of the gate and threatened to take me away. At that time there were 4 unknown boys with Lovepreet Singh, then I called on 112 number helpline and called the police. Where police came and take the action and the boys with him ran away from the spot, whose names I do not know. In this regard, I also called my father Raj Kumar, who came along with my mother Surinder Kaur at the spot and to whom I had told everything about the molestation of me by Lovepreet Singh and in this regard we all were discussing about it. Today I was coming to the police station along with my parents to give a report and you met us. Appropriate legal action should be taken against them.....”

Learned counsel for the petitioner, *inter alia*, submits that the petitioner has not been named by the victim, either in the FIR or even in her statement recorded under Section 164 Cr.P.C. It is submitted that



the victim is more than 17-years-old and was in love affair with the main accused, namely, Lovepreet Singh. The main accused-Lovepreet Singh, in his disclosure statement had named one Bhupinder Singh, who in turn had named the petitioner in his disclosure statement.

Further, it is submitted that originally, the present FIR was registered under Sections 354-D, 341, 323 and 506 read with Section 34 IPC, however, vide G.D. No. 24 dated 25.03.2024 offence under Section 11(4) of the POCSO Act, has been added. It is submitted that the petitioner is a student of BCA, and his exams shall commence from 05.06.2024. The petitioner has been in custody since 25.03.2024. 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.

Per Contra, learned counsel for the State has filed custody certificate dated 22.05.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 01 month and 24 days. As per custody certificate, there is no other case against the petitioner.

Learned counsel for the State on instructions informs that challan in the present case has been presented before the trial Court on 21.05.2024 and the next date of hearing before the learned trial Court is 06.06.2024, 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 of 01 month and 24 days undergone by the petitioner as an undertrial 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-Harjap Singh @ Punni S/o Jugjiwan Singh @ Jeena 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.

24.05.2024
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(NIDHI GUPTA)
JUDGE

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