



CRM-M-25943-2024

**229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-25943-2024
Decided on : 26.11.2024

Ravi Kumar @ Ravi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Lakshay Bector, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Chahit Bansal, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.228 dated 10.11.2023 under Sections 341, 365, 379-B, 506 and 34 IPC (Section 201 IPC added later on) registered at Police Station Tibba District Ludhiana.

2. Learned counsel for the petitioner contends that a highly exaggerated version has been brought forth against the petitioner and co-accused in the FIR in question, which has been annexed as Annexure P-1, that the petitioner along with the co-accused, in broad daylight forcibly abducted the victim, aged 16-1/2 years while she along with her cousin brother was returning from school; learned counsel has submitted that there was a delay of 5 days in lodging



CRM-M-25943-2024

the FIR in question, which also clearly hinted towards a fabricated version having been brought forth. Still further, it has been argued by the learned counsel that strangely, the victim refused to get her statement recorded under Section 164 Cr.PC or even declined to get herself medico-legally examined after she was recovered from the road side. Learned counsel has further argued that the investigation in the present case is complete as challan stands presented. The case at hand already stands committed before the Court of Sessions, hence, in the circumstances, further incarceration of the petitioner, who has been in custody since 12.12.2023, would serve no useful purpose, more so, when none of 13 prosecution witnesses has been examined so far.

3. Per contra, learned State counsel assisted by counsel for the complainant while opposing the prayer made by learned counsel for the petitioner, has reiterated the allegations levelled in the FIR, which stands reproduced hereinunder:

“Statement of Parvesh Mourya son of Shri Swami Parshad Mourya, resident of Village | Nalpura, District Faizabad (Ayodhya), Uttar Pradesh ati present resident of H. No. 173, Gopal Nagar Chowk, Near (GK Estate, Ludhiana age approximately 24 years, mobile no. 96-488-62723 that I am the resident of the above said address and I work at the cloth shop of my Mama (uncle) namely Ram Ashish (Roshni Cloth House). The daughter namely Roshni of my Mama (uncle) namely Ram Ashish (age approximately 16



CRM-M-25943-2024

years 3 months) is in the +1 Class in HVM Convent School Kejamsar Colony, Ludhiana. On dated 05.11.2023 at approximately 1 PM, I went to take Roshni daughter of my uncle from the school, when I was coming back on my activa alongwith Roshri daughter of my uncle and when I was going in the main street I of New Karamsar Colony then all of sudden **Ravi**, Sunny, Abhishek sons of Sunil Sahni residents of House No. 202, Street No.03 Ram Nagar, Bihari Colony, Tajpur Road, Ludhiana and two unknown persons came on two motorcycles and one activa who surrounded me by stopping the motorcycle and activa in front of me and when I asked the reason from them for surrounding me then they started to manhandle with me and started to slap me and **Ravi** started to make sit forcibly Roshni daughter of my uncle on the motorcycle alongwith his companion and when I tried to stop them then Sunny and Abhishek put the Dattar on my neck by taking out from the waist and when I was about to make a call to police from mobile then they snatched my mobile and also took out the key of my activa and after taking an amount of approximately Rs.5000/- in cash from my pocket and by making sit my sister Roshni forcibly on the motorcycle fled away and while leaving I was threatened that if information would be given to the police in this regard then girl will be killed, I raised a voice so much but no wayfarer helped me. Above said persons by going at little distance threw my mobile in the street. I told the whole story about incident to my uncle by going to home, we kept on to request by going to the house of **Ravi** that your son with the help



CRM-M-25943-2024

*of his companions have taken our daughter forcibly and get return our daughter who told that on receiving the information about the girl, girl will be returned back. We kept on to search our daughter our own level. Then on the next day, on dated 06.11.2023 at time 7 AM my sister Roshni made a phone call /from the phone of some unknown person to her father on phone number 7888979773 that **Ravi** alongwith his companions has gone away after leaving me at abandoned at Machiwara and I am not getting any clue. Now I am standing on the road backside of bus stand Machiwara. You come soon and take me back. On that I and my uncle alongwith other family members reached over there then my sister Roshni met while crying who told about the whole incident to me and she was brought back to home. My sister Roshni (daughter of my uncle) was so much under the fear and all the family members were also under the fear due to this incident and due to that we could not come to police station till now for recording of statement. My sister Roshni is so much frightened due to this incident. Strict legal action may be taken against the above said persons. Statement has been got recorded to you, heard, understood, it is correct. Sd/-”*

It has, however, not been disputed by the learned State as well as counsel for the complainant that the victim had declined to get her statement recorded under Section 164 Cr.PC. Learned State counsel, however, on instructions from ASI Kamaljeet Singh, has submitted that the victim was medico-legally examined, however, there



CRM-M-25943-2024

was no evidence of any sexual assault upon her had surfaced during her said examination. The custody period of the petitioner as well as stage of trial has also not been disputed by the learned State counsel.

4. Learned counsel for the complainant has submitted that even though no evidence of any sexual assault upon the victim had surfaced during medico-legal examination, however, there was serious allegation levelled against the petitioner and co-accused of forcibly taking away the victim on the fateful day.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 12.12.2023. The investigation in the case in hand is complete as challan stands presented and even the case committed to the Court of Sessions. The possibility of the trial concluding in the near future seems remote as charges are likely to be framed on the next date of hearing i.e 07.12.2024 coupled with the fact that 13 witnesses have been cited by the prosecution. The petitioner is not stated to be involved in any other criminal case.

7. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has no previous criminal antecedents, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.



CRM-M-25943-2024

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

26.11.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

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