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

CRM-M-26688-2024 (O&M)

Date of Decision: 08.07.2024

MEETU @ MALKIT SINGH

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ranjodh Singh Sidhu, Advocate for the petitioner.

Mr. Anup Singh, 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.11 dated 10.02.2023, registered for the offences punishable under Sections 363 and 366-A of IPC (Section 376 of IPC and Section 6 of POCSO Act, 2012 added later on) at Police Station Khalra, District Tarn Taran.

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

"To, SHO Sahib, Police Station Khalra. Subject: Regarding enticing away minor girl by neighbourer boy. Sir, it is requested that I am Balwinder Singh son of Satnam Singh, resident of Narla. Sir want to disclose to you that. My daughter Rajwant Kaur is 16 years old. On dated 03.02.2023, at 12 PM. I went to my work and my wife was also gone to work in the palace. In the absence of both of us, my daughter has been enticed away by Meetu son of Channa Singh caste Mazbi Singh by alluring her When I came back home, my sister in law informed me in this regard. When we went to the house of the boy, his house was locked and no member was present in the house. So kindly proceedings be initiated in this regard and appropriate action be taken and accused be arrested. Your well-wisher Sd/- Balwinder Singh."



3. Learned counsel for the petitioner has argued that the petitioner was arrested on 17.03.2023. Learned counsel for the petitioner has further argued that there was consensual relationship between the petitioner and the victim on account of which the victim had left her parental home on her own accord and thereafter the petitioner and the victim stayed together from 03.02.2023 to 17.03.2023. During these days, it is not the case of the prosecution, that the victim was confined in a particular room and thus it is clear from the factual matrix of the case in hand that the case arises out of consensual relationship between the petitioner and the victim. Thus, regular bail is prayed for.

4. Learned State counsel seeks to place on record status report by way of an affidavit of Preetinder Singh, PPS, Deputy Superintendent of Police, Sub Division Valtoha, Camp at Bhikhiwind, District Tarn Taran in Court today, which is taken on record. 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 17.03.2023 whereinafter investigation was carried out & challan was presented on 09.06.2023. Total 17 prosecution witnesses have been cited out of which only 1 prosecution witness (Investigating Officer) of the case has been examined & hence the culmination of the trial will take its own time. The rival contention of the learned counsel for the parties; whether there was consensual relationship between the petitioner and the victim which was not to the liking of the



the FIR in question on account of the consensual relationship between the petitioner and the victim not being to the liking of the family of the victim as also as to whether the petitioner and the victim had resided together on account of their free will/accord from 03.02.2023 to 17.03.2023, 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. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence. As per the custody certificate dated 05.07.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 01 year and 03 months & 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.

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/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 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.

08.07.2024

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned Yes No

Whether reportable Yes No