

CRM-M-27300-2024

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2024:PHHC:078996



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201

CRM-M-27300-2024

Date of Decision: 31.05.2024

Randeep Singh @ Rana @ Randeep Singh Bhatti

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. S.S. Sarwara, 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. 91 dated 22.12.2022 (Annexure P-1) registered under Sections 363 and 366 IPC at Police Station City Kurali, District SAS Nagar. Subsequently, challan/Final Report (Annexure P-2) under Section 173 Cr.P.C. under Sections 366, 363, 376-A, 302, 201, 120-B and 34 IPC and Sections 6 and 17 of the Protection of Children from Sexual Offences Act, 2012, was presented before the learned trial Court on 13.02.2023.

The aforesaid FIR (Annexure P-1) was registered on the basis of father of the deceased victim, which is reproduced as under:-

“...Statement of Rajinder Singh son of Nikka Singh, resident of village Lahori, Police station: Singh Sangatpura District Roopnagar, aged 52 years, mobile 62836-14633 stated that I



am the resident of above mentioned address and do labour work. That I have three children, two boys and one girl child, my elder son is namely Akashdeep Singh, aged 19 years, next to him is my daughter, Komaldeep Kaur, aged 17 years and youngest son is Mandeep Singh, all are school going children, my daughter, Komaldeep Kaur is studying in +2 class at senior secondary school for Girl at Kurali further as per school timing she used to attend his school. That on 21.12.2022, I was going Kurali for personal work therefore my daughter, Komaldeep Kaur also accompanied me for her school. That I left my daughter near to petrol pump situated opposite to her school about 9:40 AM then I left for my work, at evening when I return to my home then my family member informed me that today Komaldeep Kaur has not come back from school thereafter at my own level I tried to search her but today I came to know that Gursweak Singh son of Gurveer Singh, resident of village Mullanpur Sodiyan, Police station Sadar Kurali, SAS Nagar has enticed my daughter therefore I request to take appropriate legal action against Gursewak Singh. Today I was going to police station to inform the police but on the way I met yourself with your police party near Niolaka raod, over bridge of Kurali and I have recorded my statement and same was read over to me and I found correct.....”

Learned counsel for the petitioner, *inter alia*, submits that the petitioner has not been named by the complainant in the present case. The petitioner was involved in the present case only on the basis of disclosure statement suffered by the main accused, namely, Gursevak Singh. In this regard, learned counsel for the petitioner refers to the disclosure statement of the main accused-Gursevak Singh, as reflected in



the challan report (Annexure P-2) (at page 12 of the paper-book); wherein the only allegation made against the petitioner was that petitioner is the owner of Dhaba and had given room to the main accused-Gursevak Singh, whereafter offence under Section 376 IPC was committed by the main accused upon the deceased-victim.

Learned counsel submits that the petitioner is not the owner of the said Dhaba and he is a student of B.Tech. In fact, it is the petitioner's father who works in the said Dhaba. Learned counsel for the petitioner extensively refers to the cross-examination of PW-3 Investigating Officer (Annexure P-5) (at page No. 52 of the paper-book); wherein she had categorically stated that besides the disclosure statement of the main accused-Gursevak Singh, there is *'no other document on the judicial file or collected by her during the investigation to link accused Randeep Singh with the alleged offence'*. It has been further admitted by the Investigating Officer in her cross-examination as PW-3 that while recording the disclosure statement of main accused-Gursevak Singh, while he was in custody; she also admitted that *'she had not investigated qua the employment of accused Randeep Singh with Swiggy/Zomato and she had not sent any requisition letter to either Swiggy/Zomato for verifying the fact that at any point of time accused Randeep Singh had worked with the said companies; the petitioner was a college student'*; and she had further admitted that *'it is correct that no record qua CDR or tower location has come forth during my investigation in between Gursewak Singh and Randeep Singh to establish any link between them'*.

Accordingly, learned counsel for the petitioner submits that



the petitioner has no connection with the commission of the present crime. Learned counsel for the petitioner also refers to the CDR produced in challan report (Annexure P-2) (at pages 17 to 19 of the paper-book) to submit that therefore, it is clear that there is no connection between the main accused-Gursevak Singh and the petitioner on the date of commission of offence i.e. 20.12.2022 and even on the next date 21.12.2022. In the present case, there is no link evidence to connect the petitioner with the crime. The petitioner has been in custody since 28.12.2022. Thus, it is prayed that the petitioner be released on regular bail.

Per Contra, learned counsel for the State counters the aforesaid submissions of learned counsel for the petitioner and refers to the findings of the challan report (Annexure P-2) (at page 26 of the paper-book) wherein it has been recorded that “*the petitioner was running Saini Dhaba. He was known to the main accused-Gursevak Singh and he had given room to the main accused and the minor victim for making physical relations. Further, it has been noted that if the petitioner had not given room to the main accused neither the incident of rape of minor girl was occurred nor she died. It is also noted therein that the victim remained in the said Hotel/Dhaba in serious condition for 04 hours and the petitioner neither tried to get done the treatment of girl nor informed any department through helpline.* It is submitted that therefore the petitioner is intrinsically involved in the commission of crime.

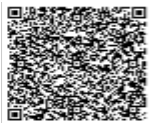
Learned counsel for the State also referred to the findings recorded in the challan report (Annexure P-2) (at page 16 of the paper-



book) to submit that the certified copy of page No. 32 of room booking register of Saini Dhaba/Hotel Vikram was duly procured during investigation in which there is an entry in column No. 9 about booking/giving room NO. 104 to the main accused and the minor victim by the petitioner. However, it is admitted that the said register does not bear the signatures of the petitioner.

Learned counsel for the State has filed custody certificate dated 30.05.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 01 year and 05 months. Perusal of the custody certificate shows that no other case is pending against the petitioner. On instructions from ASI Lakhoor Singh, learned counsel for the State informs that out of total 42 prosecution witnesses, only 03 have been examined, so far and the next date of hearing before the learned trial Court is 16.07.2024, for recording of prosecution evidence.

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 year and 05 months 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 out of total 42 prosecution witnesses, only 03 witnesses have been examined so far, therefore, conclusion of trial will take considerable time; and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed**.



The petitioner-Randeep Singh @ Rana @ Randeep Singh Bhatti, 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.

Pending application(s), if any, shall also stand disposed of.

31.05.2024
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(NIDHI GUPTA)
JUDGE

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