



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

CRM-M-27483-2024 (O&M)
Date of decision: 31.05.2024

RAMANDEEP SINGH @ RAMAN

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Munish Puri, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR J. (ORAL)

1. This is the first petition filed under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioner in the case bearing FIR No. 192 dated 22.06.2023 registered under Sections 363, 366-A of Indian Penal Code (hereinafter to be referred as 'IPC') (Section 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act added later on) at Police Station City Tarn Taran, District Tarn Taran.

2. The FIR(supra) was registered on the statement of complainant Charanjit Singh, in which, he stated that he is running an E-Rickshaw and having one daughter/prosecutrix and her date of birth is 25.12.2008. On 20.06.2023, at about 8.30 A.M. his daughter/prosecutrix was alone in the house and someone had enticed her away on the pretext of marriage. She is aged about 14 years. He tried to trace her out but was not able to find her. On the basis of this statement, FIR(supra) was registered.

3. Learned counsel for the petitioner *inter alia* contends that petitioner has been falsely implicated in the FIR(supra) as initially the FIR was registered against unknown person. There is also a delay of 2 days in reporting



the matter to the police and when the statement of the prosecutrix under Section 164 Cr.P.C. was recorded, she has made no allegation against the petitioner and the statements of father, mother and the victim/prosecutrix have been recorded before the learned trial Court, in which they did not support the case of the prosecution and they were declared hostile by learned Public Prosecutor. The petitioner is behind the bars since 19.08.2023.

4. Per contra, learned State counsel opposes the prayer for grant of regular bail to the petitioner on the ground that petitioner is the main accused and serious and specific allegations have been levelled against him. However, he could not controvert the fact that star witnesses of the prosecution have not supported the case of the prosecution and have turned hostile during the course of trial. Learned State counsel produces the custody certificate. The same is taken on record.

5. Having heard the learned counsel for the parties and after perusing the record, it transpires that petitioner is behind the bars since 19.08.2023 and material witnesses have already been examined. Trial of the case is likely to take long time to conclude. No useful purpose would be served by keeping the petitioner behind the bars and further incarceration of the petitioner without there being the prospect of the conclusion of the trial in the near future, would be violative of Article 21 of the Constitution of India. Culpability, if any, would be determined at the time of the trial.

6. A two Judge Bench of Hon'ble Supreme Court in 'Satender Kumar Antil v. CBI' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a demo cracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

7. Accordingly, the present petition is allowed. The petitioner-Ramandeep Singh @ Raman is ordered to be released on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

May 31, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No