



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

213

CRM-M-29445 of 2024

DATE OF DECISION :- 02.07.2024

Amritpal Singh @ Sunny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Prince Sharma, 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.117 dated 09.06.2022, registered for the offences punishable under Sections 354/506 of IPC and under Section 12 of POCSO Act, at Police Station Sadar Tarn Taran, Tehsil and District Tarn Taran.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“Statement of Sumanpreet Kaur daughter of Dilbag Singh resident of Teja Singh Wala (Kot Jaspat), PS Sadar Tarn Taran aged about 14 years Mobile No 81988-28439 stated that I am resident of the above said address and studying in 9th class at Akal Academy Teja Singh Wala (Kot Jaspat). We are two siblings as brother and sister. I am elder one and my younger brother Dilpreet Singh who is about 4 years old. I have 4 Aunts/Bhua, one of my aunt Balwinder Kaur is married with Kashmir Singh resident of Panjwarh. I went at panjwarh to my aunt 3 months ago. And used to visit my aunt randomly. My



aunt's son Amritpal Singh son of Kashmir Singh had evil eye on me and Amritpal Singh used to follow me when I go to school for study. Amritpal Singh. On 05.06.2022, my father Dilbag Singh and mother Jasbir Kaur had gone to Tarn Taran for some domestic work, then at about 01:30 PM, (Daytime) Amritpal Singh son of Kashmir Singh resident of Panjwarh came to our house and forcibly started molested me and threatened me that if I told to my parents, then he will kill my entire family. When I started shouting then Amritpal Singh ran away from the spot. I got scared and did not talk to anyone. Then after gathering some courage to told about entire occurrence to my parents. That attempt for compromise between our both families were made but could not be effected. Today, on 09.06.2022 I was coming to you with my father Dilbagh Singh and mother Jasbir Kanar to give statement And you met us. I am Claimant and action may be taken, statement has been recorded and explained to me which is correct. SD/Sumanpreet Kaur Verified by:-SD/ Amandeep Kaur S.1 Police Station Sadar Tarn Taran, Date 09.06.2022. Police proceedings: Today I SI along with PHG Paramjit Kaur 9969, CT Veer Kaur 495, CT Simarpreet Singh 148, PHG Dilbag Singh 9995 were present at the T. Point turning point for patrolling in search of bad elements. Then Sumanpreet Kaur daughter of Dilbag Singh along with her mother Jasbir Kaur wife of Dilbag Singh, resident of Teja Singh Wala came to me and got recorded her statement. Which was read over and explained to her and she signed in Punjabi language after admitting it correct. which was verified by me. That as per statement offence under section 354 of IPC and 12 of POSCO Act is found. To get register the case the original statement is being sent by PHG Dilbagh Singh 9995 to the police station and after registering the case, the case number may be intimated. I SI along with other officials going to visit place of occurrence. control room may be informed via E-Mail Special



reports may be issued and be sent to senior officers SD/ Amandeep Kaur SI Police Station Sadar Tarn Taran, Date 09.06.2022 in the jurisdiction of T-Point turn of Daleke at:- 04: 35 PM. Today at police station: At present, after receiving original statement at police station the FIR got registered and copy is being sent to SI at the spot through PHG official. after issuing special reports are being sent to senior officers and Ilaqa Magistrate through ASI Subhash Chandra 1499/T.T. control room intimated. Closing Report No. 28 dated 09.06.2022.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 22.01.2024. Learned counsel has further argued that the victim had refused to undergo medical examination. Learned counsel for the petitioner has further argued that the victim, when examined as PW1, has turned hostile and thus the trial is not likely to culminate into conviction. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. 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. Learned State counsel seeks to place on record custody certificate dated 01.07.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 22.01.2024 whereinafter investigation was carried out and challan stands presented on 16.02.2024. Total 13 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question and the effect of the victim turning hostile when examined as



prosecution witness; 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 prosecution evidence. As per custody certificate dated 01.07.2024 filed by learned State counsel, the petitioner has already suffered incarceration for more than 5 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 above, the present 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/Illaqa 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.

(SUMEET GOEL)
JUDGE

02.07.2024
P.Singh

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