



CRM-M-31274-2024 (O&M) 1

221

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M-31274-2024 (O&M)
Date of Decision: 09.07.2024

Gurdev Singh @ Pali

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sarbjeet Singh, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

...

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.106 dated 01.03.2024, registered for the offences punishable under Sections 363 and 366-A of IPC and Sections 6 and 17 of POCSO Act, 2012 (Section 365 IPC deleted later on) at Police Station Sadar Thanesar, District Kurukshetra.

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

“First Information Contents:- copy is as under, the copy of text is:- to SHO Sahib Police Station sector 5/4 Kurukshetra regarding missing of Mansi D/o Sushil kumar R/o 886 Sector 4 Kurukshetra. Sir I am, nirmal Devi w/o Sushil kumar, permanent resident of 886 sector 4 Kurukshetra. Today on dated 01.03.2024 around 3.00 pm she went away somewhere without telling anyone. Despite making enquiries she has not been found anywhere. My daughter's age is 17 years 05 months, skin colour white, height around 5 feet. She is wearing pink orange color tracksuit and same colored shoes. Kindly my daughter be searched. Signature nirmal Devi w/o Sushil kumar, resident of 886 sector 4 Kurukshetra 79881 70179, 9467410062. Today I, HC present in police station. At the same me I HC nirmal Devi w/o Sushil kumar, presented the above



CRM-M-31274-2024 (O&M) 2

application which is found to be serious crime under section 365 IPC. Get the case registered. Chargesheet is being sent to SPO Rajeev kumar 90/KKR. Complaint registered and please inform with the number of register. I HC leaving for searching a missing girl. Today police station sector 4 KKR Rameshwarpal HC PP SEC- 4 dated 01.03.2024. on receiving above mentioned complaint in the police station of STO Rajeev no.90, case number 106 dated 01.03.2024 section 365 ipc registered at police station sadar thanesar and a computerized FIR copy of the special report of the case was prepared which is sent by mail to superintendent of police kurukshetra, Ilaka magistrate kurukshetra, deputy superintendent of police kurukshetra. The copy of the police action report is given to the upcoming SPO. The case is in the presence of SI ravindra singh no.844 police station sadar thanesar has been recorded.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 03.05.2024. Learned counsel for the petitioner has further argued that the son of the petitioner had eloped away with the victim and thereafter a protection petition has also been preferred by his son along with the victim vide CRM-M-11549-2024. Learned counsel for the petitioner has further argued that the petitioner had disowned his son and a publication to this effect was also carried out in a newspaper “Desh Sewak” on 13.02.2021 much before the alleged offence. Thus, the regular bail is prayed for.

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.

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

6. The petitioner was arrested on 03.05.2024. The rival contention of the learned counsel for the parties; as to the role undertaken by the petitioner in the alleged offence; veracity of the newspaper declaration dated 13.02.2021 (copy whereof has been appended as Annexure P-5 with the



CRM-M-31274-2024 (O&M) 3

instant petition) as also the effect of the co-accused, namely, Bikram Singh @ Vikram @ Vicku having filed a protection petition along with the victim before this Court; 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 the custody certificate dated 08.07.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 02 months and 06 days & 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 factual matrix of the given 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.



CRM-M-31274-2024 (O&M) 4

- (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.

09.07.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No