



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

218

CRM-M-34929 of 2024

DATE OF DECISION :- 29.07.2024

Ramandeep Singh @ Kaka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

The instant petition has been filed on 16.07.2024 under Section 439 of Cr.P.C, 1973 for grant of regular bail.

As per the judgment rendered by this Court titled '*Abhishek Jain Versus State of U.T. Chandigarh and another*' (CRM-M-31808 of 2024) 2024PHHC085784, the instant petition is not maintainable under Section 439 of Cr.P.C, 1973. However, keeping in view the entirety of facts and circumstances of the case especially that the instant petition pertains to regular bail, the instant petition is directed to be considered as a petition under Section 483 of BNSS, 2023.

1. Present petition has been filed for grant of regular bail to the petitioner in case bearing FIR No. 65 dated 13.04.2023, registered for the offences punishable under Sections 363,366-A of IPC at Police Station Canal Colony, Bathinda, District Bathinda.

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



“Copy of Statement, statement of Bunty son of Darshan Giri son of Bhajan Giri, resident of Gali NO.03, Birbal Basti, Road, Bathinda, aged about 40 years, Mobile No. 98145-85241, states that I am resident of above said address and doing the repair work of denting painting of cars. I have two children elder daughter Harmandeep Kaur @ Arshu whose date of birth is 03.05.2007 and younger son Amritpal Singh aged about 13 years. My daughter Harmandeep Kaur @ Arshu is studying in 10th class at government School Kaniya, Bathinda. That on dated 09.10.2023 at evening Ramandeep Singh @ Kaka son of Baldev Singh, resident of Gali NO. 03, Birbal Basti, Naruana Road, Bathinda gave false promise to the marriage with my daughter Harmandeep Kaur @ Arshu took away from the house. In this regard I have registered on case 10.01.2023 under FIR No. 03 Sections 363,366 dated IPC, police station canal Colony, Bathinda. After that police has arrested the Ramandeep Singh @ Kaka and recovered my daughter Harmandeep Kaur @ Ashu and was presented in the Hon'ble Court and we brought her to our house, then on dated 12.04.2023 we all the family after eating the food and present at the home, then at about 9.30 my daughter after eating food and went in the street for walking, but she could not returned at home after some time, we went to searching our daughter in the street, but she could not found, we were searching her till now, then now I have come to the know that the Ramandeep Singh @ Kaka again gave promise to the marriage with my daughter Harmandeep Kaur @Arshu and took away from the house. My daughter is minor. Strict legal action may kindly be Singh taken Kaka. against the Ramandeep Statement given heard correct. Sd/ Bunty above said further attested by Rajbir Kaur wife of Bunty, further attested by Kulwinder Singh HC 1352 PP Vardhman, Police station Canal Colony, Bathinda dated 13.04.2023.”



3. Learned counsel for the petitioner has argued that the petitioner is in custody since 18.03.2024. Learned counsel for the petitioner has further submitted that petitioner and the victim were having a consensual friendship which was not to the liking of the family of the victim. Thus the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further submitted that earlier also while FIR No. 3 dated 10.01.2023 was registered at Police Station Canal Colony, Bathinda under Section 363/366A of IPC against the petitioner wherein the allegations against the petitioner (herein) was that he has enticed away the victim of the instant FIR. Learned counsel for the petitioner has further argued that the victim has not supported the case of the prosecution while making her statement under Section 164 Cr.P.C. 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 28.07.2024 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 18.03.2024 whereinafter investigation was carried out and challan stands presented on 09.05.2024. Total 14 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 there was consensual friendship between the petitioner and the victim which is not to the liking of the family of the victim & as to whether the petitioner has been falsely implicated into the FIR in question; 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 28.07.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 04 months. As per the said custody certificate the petitioner is stated to be involved in three other FIRs. One of these FIR pertains to elopement of the victim with the present petitioner himself in which petitioner is on bail. The second case pertains to Excise Act and the third case pertains to NDPS Act but the petitioner is stated to be on bail in both the cases, in the considered opinion of the case, the pendency of these three other FIRs against the petitioner shall, by itself, not be sufficient to decline the concession of regular bail in the instant 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 cell-phone 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.

(SUMEET GOEL)
JUDGE

29.07.2024
P.Singh

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