



**CRM-31028-2024 and
CRM-37529-2024 in/and
CRM-M-35851-2024
Date of decision : 17.09.2024**

Versus

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Mr. Soloman Partap Singh, AAG, Punjab.

CRM-31028-2024

Offences punishable under Sections 363, 366-A IPC are ordered to be added in the head note as well as prayer clause of the main petition.

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Registry to do the needful.

CRM-37529-2024

Prayer in this application is for placing on record copies of statements of PW-3 and PW-4 recorded before the Trial Court marked as Annexures P-3 & P-4, respectively.

For the reasons recorded in the application, the same is allowed. Documents marked as Annexures P-3 & P-4 are taken on record subject to all just exceptions.

CRM-M-35851-2024

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.0087 dated 04.08.2023 registered for the offences punishable under Sections 365, 363, 366-A, 452, 120-B IPC at Police Station Bahav Wala, District Fazilka.

2. FIR was registered on the statement of Ram Jass son of Banwari Lal who alleged as under :

“I am resident of the above mentioned address and doing the agricultural work. My wife Dhappan Devi had been expired approximately 3 years ago. I have two children. Elder son is Vineet Kumar, who is studying in 12th Class in Government School Bhagu and younger daughter Manisha whose date of birth is 09.01.2006, who has passed 10th Class from Government School Village Bhagu. On the statement of my minor daughter Manisha, a case FIR No. 82, dated 24.07.2023, under Section 376 (D), 450, 506 IPC, Section 6 POCSO Act, 2012/2019, Police Station

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Bahavwala was registered against Dara Singh alias Goldy Sheikawat son of Mahaveer Singh, Shubham son of Rajinder Singh and Vishal Bhaati son of Prem Singh Bhaati, residents of Village Amarpura at Police Station Bahavwala, after which my above mentioned minor daughter, who is also pregnant, the accused persons by way of threatening my minor daughter Manisha regarding kidnapping her from the house and after registration of the case, Prem Singh Bhaati father of accused Vishal Bhaati after coming to our house had gone after extending threat to me and my minor daughter Manisha that if you did not withdraw the case, then too much bad will take place with you, I shall get you kidnapped from the house. Today on 04.08.2023 at about 11:00 AM, I along with my brother Rakesh Kumar son of Rajpal in connection with my above mentioned case had since gone to Ld. Court at Abohar and my son Vineet Kumar had since gone to School and my minor daughter Manisha was alone in the house. When my son came back to the house at about 2:00 PM after completion of school time, then my minor daughter Manisha was not present in the house, in respect of whom, my son made search at his own level from nearby, who did not trace out, then my son narrated this entire episode to me on phone, then I also came to my house from Abohar hurriedly and we made search for our minor daughter Manisha at our own level, but we could not come to know anything regarding her and now on conducting inquiry at our own level, we have become fully sure that Dara Singh alias Goldy Sheikawat son of Mahaveer Singh, Shubham son of Rajinder Singh, Vishal Bhaati son of Prem Singh Bhaati and Prem Singh Bhaati son of Jaswant Singh, residents of Village Amarpura or their unidentified supporters at their instance after forcibly entering into our house for keeping my minor daughter Manisha under confidential custody with the criminal intention, have kidnapped of their own or have got kidnapped through their unidentified supporters. After searching for the above mentioned accused

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persons, after getting released my minor daughter from their clutches, her life may be saved and by taking appropriate stern legal action against the above mentioned accused persons, justice may be got delivered to us. In this regard today we had been coming to the police station for giving information, you have met. The statement has been got recorded to you, heard, the same is correct. Action may be taken. xxx”

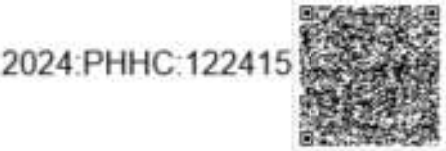
3. Counsel for the petitioner submits that *dehors* the allegations levelled against the petitioner in the FIR, the victim has turned hostile during the course of trial and has not supported the case of the prosecution. He further submits that so far as the complainant is concerned, he in his testimony admits that he was not present on the spot.

4. Custody certificate has been produced, which is taken on record. As per the same, the petitioner has undergone actual custody of more than 11 months and 18 days.

5. State Counsel is not in position to dispute the aforesaid factual assertions made by counsel for the petitioner which are based on record.

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

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing



bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

September 17, 2024

Dpr

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No

(Pankaj Jain)

Judge