

2024:PHHC:004908

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

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CRM-M-39407-2023

Date of decision: 15.01.2024

Mandeep Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Brijesh Nandan, 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.14 dated 07.03.2022, registered for the offences punishable under Sections 363, 366-A IPC (offence under Section 376 IPC and under Section 4 of the POCSO Act were added later on) at Police Station Kacha Pacca, District Tarn Taran.

2. The case set up in the FIR in question is as follows:-

“It is stated before me I am Charanjit Kaur, wife of Balwinder Singh, resident of Sabhi Kalan aged about 35 years mobile number 98785 90686 stated that I am a resident of the said address and do domestic work. I have three girls. The eldest girl is Komal Preet Kaur, younger to her Prabh Deep Kaur, aged is around 15/16 years. She used studying in Government Senior Secondary School in 10th class. Youngest namely Jasmin Kaur, and my husband, who

works as a contractor in Kangra, Himachal. On the night of 04-03- 2022, I and my girls were sleeping after having dinner, I woke up at around 5:30 in the morning and noticed that my daughter Prabh Deep Kaur was not in her bed. Which I searched around but could not find. I suspect that my daughter Prabh Deep Kaur enticed by some unknown person on pretext of marrying her at around 11:50 P.M.

I am still locating my daughter, but unable to find her, so legal action should be taken against the said person Sd/- Charanjit Kaur Charanjit Kaur and attested by Rajpal Singh ASI P.S Kacha Pakka dated 07-03-2022 Police Proceedings Today I ASI including ASI Gurmeet Singh 715, CT Manpreet Singh 1024, LICT Rajwinder Kaur 78 on private vehicles on search of bad elements were Charanjit Kaur wife of Balwinder Singh and Amarjit Kaur wife of Tehal Singh came present and recorded their statement which was read over after wards on finding the same statement to be correct and signed it in Punjabi. I attested the said statement. From the said statement it is found that offence under 363, 366 A IPC has be made out. Therefore Ruqa is being sent by CT Manpreet Singh 1024 to register the case. The case be registered and number should be informed, control room be notified by e-mail should. Senior Official be intimated and special report be issued and I ASI alongwith fellow employees am busy in further investigation Sd/- Rajpal Singh.

Today at police station.

On dated 07.03.2023 in the area of Dayalpur AT 12:15 PM Today this Ruqa was received at police station, and case registered and original statement and copy of FIR is being through CT Dalwinder Singh 364/TT for further investigation and senior officers intimated and Area Magistrate informed by issuing special reports. Control

Room is being informed by E-mail vide Rapt No. 22 Time 01:20 PM Date 07:3 2022.”

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the FIR in question; after completion of investigation, challan stands presented & trial is underway. The prosecutrix as also the complainant-mother have turned hostile and, therefore, in all likelihood, the trial will not culminate into conviction. Accordingly, learned counsel for the petitioner has prayed that the concession of regular bail be extended to the petitioner.

4. Counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail.

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

6. The accused was arrested on 07.03.2022. After investigation, challan was presented on 09.05.2022 wherein total 19 prosecution witnesses have been cited. The rival contentions of the learned counsel for the parties as to whether resiling of the prosecutrix-Prabh Deep Kaur (when examined as PW-2) & the complainant-mother of the prosecutrix-Charanjit Kaur (when examined as PW-1) will be gone into the trial. As per the custody certificate dated 14.01.2024, the petitioner has suffered incarceration for a period of more than 1 year & 10 months. He is not shown to be involved in any other case. No tangible material has been brought on record to indicate the likelihood of the petitioner absconding

from the process of justice or interfering with the remaining prosecution evidence.

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.
- (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.

(SUMEET GOEL)
JUDGE

January 15, 2024
poonam

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No