



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207 CRM-M-39964 of 2024
DATE OF DECISION :- 23.08.2024

Parminder Singh alias Gaggi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Harish Goyal, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

The instant petition has been filed on 12.08.2024 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.30 dated 27.04.2024, registered for the



offences punishable under Sections 363,366,376,109 of IPC and Section 4 of POCSO Act at Police Station Joga, District Mansa.

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 Malkit Singh S/o Sukhdev Singh S/o Hardial Singh R/o Link Road Ubha-Burj Rathi village Ubha aged about 48 years mobile number 95014-90477 has stated that I am a resident of the said address. I do truck driving at Maur Mandi. I have a daughter, Sukhpreet Kaur, whose date of birth is 11-11-2006 who studies at Baba Farid Academy. Ubha in class XI. Last night, my wife Charanjit Kaur and daughter Sukhpreet Kaur and I had eaten meal and slept on the same bed, in the same room. When I woke up at around 5 am, I woke up and saw that my daughter Sukhpreet Kaur was not in bed, so I woke up my wife Charanjit Kaur, and asked where Sukhpreet Kaur was. We searched a lot around and in other rooms/bathroom, about my daughter Sukhpreet Kaur. But she was not found. In August 2023, Arsdeep Singh alias Luv, son of Amarjit Singh, a resident of nearby Water Works village Gharaila in Bathinda district, used to chase my daughter Sukhpreet Kaur back home from school, whom we had explained to not do so through respectables. But now I am convinced that Arsdeep Singh alias Luv s/o Amarjit Singh r/o nearby Water Works village Gharaila district Bathinda has taken my minor daughter Sukhpreet Kaur with him on the intervening night of 26/27-04-2024 on the pretext of marriage. Today, Kuldeep Singh, son of Bikkar Singh, a resident of Ubha, along with me, was coming to inform the police station. We found you here. Appropriate legal action should be taken against Arsdeep Singh alias Luv s/o Amarjit Singh R/o nearby Water Works village Gharaila. I heard statement written by you. True /- Malkit Singh said statement correct / Kuldeep Singh s/o Bikar Singh r/o Ubha Attestation Correct/-. ASI Dalel Singh PS Joga dated 27-04-



2024 - Today I with Constable Gursewak Singh 215/Mansa, Constable Jaspreet Singh 1175/Mansa, Lady Constable Jasvir Kaur 1297/Mansa in government Vehicle PB 31 P 3520 were patrolling and When the police party reached the nearby Mata Mandir village Ubha, Malkit Singh s/o Sukhdev Singh s/o Hardial Singh r/o Link Road Ubha-Burj Rathi village Ubha along with Kuldeep Singh s/o Bikar Singh r/o Ubha approached us. And gave statement. His statement was read out to him word by word, Who signed his statement in Punjabi after hearing the statement and accepting it to be correct. Agreeing with the statement of Malkit Singh, Kuldeep Singh signed his signature in Punjabi. The statement was verified by S.I. The offence is found to be 363,366-A IPC. On which the statement was written against Arsdeep Singh alias Luv son of Amarjit Singh, resident of nearby water works village Gharaila district Bathinda. Constable Jaspreet Singh 1175/Mansa is sent to police station. A case should be registered and the number of the case should be informed. Officers from PCR Mansa should be informed about it. Special reports should be released. Me Along with fellow employee start the investigation. By Order at Village Ubha AT 03.20 PM Correct/- Dalel Singh ASI Police Station Joga dated 27-04-2024, "On the basis of the statement recorded regarding the abovesaid offence alleged to have been committed by the said Arsdeep Singh alias Luv, son of Amarjit Singh, a resident of nearby Water Works village Gharaila in Bathinda district, a case. Is registered. And the record was completed and Senior Constable Jaspreet Singh 1175/Mansa was given to submit before ASI Dalel Singh 53/Mansa Copy of FIR prepared through Special Report and sent through Constable Amandeep Singh 869/Mansa to Duty Magistrate's Office PCR Mansa being informed through email."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 07.05.2024. Learned counsel has further argued that the role, at most, attributed to the petitioner is that he has helped the main



accused namely Arshdeep in the commission of offence. Learned counsel for the petitioner has further argued that there is no tangible evidence available in the challan so as to substantiate the case of the prosecution qua the petitioner. 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 22.08.2024 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 07.05.2024 whereinafter investigation was carried out and challan stands presented on 22.06.2024. Total 21 prosecution witnesses have been cited and culmination of trial, but of course, will take its own time. The rival contention of learned counsel for the parties; as to the role attributed to the petitioner as per the case of the prosecution and the veracity/weightage required to be attached to the material available in the challan against the petitioner; 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 22.08.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a



period of 03 months and 14 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 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/Illaqha 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

23.08.2024
P.Singh

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