



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

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**CRM-M No.40412 of 2024
Date of decision : 27.8.2024**

Ajay Dutt**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Kawalpreet Singh Virk, Advocate, for the petitioner

Ms. Priyanka Sadar, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.4 dated 5.1.2024, under Sections 346 of IPC (charges framed under Sections 344, 328, 376 (2)(n) and 506 of IPC, registered at Police Station Narwana Sadar, District Jind.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“To the SHO, PS Sadar Narwana, Subject: Complaint regarding missing person. Sir, I, Amit Kumar s/o Ishwar Singh is resident of Chahal Patti, Mohalkheda, Tehsil Narwana District Jind and do work of clerk and agriculture. My wife, Geeta Devi d/o Satyawar r/o Mohalkheda, has gone out of house on her own at about 1/2 AM this morning. My wife was wearing red colored Suit and Salwar who is aged about 23 years, complexion fair, wearing shoes, whom I have searched in my relatives so far but could not find any clue I suspect that my wife, with her own consent and will, has gone somewhere with Ajay Dutt s/o Satish Dutt r/o Kalwan and the missing report of which may be registered and my wife be



recovered SD Amit Kumar.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 2.3.2024. Learned counsel has further submitted that there was consensual relationship between the petitioner and the victim which turned sour later on and, hence, the petitioner has been falsely implicated in the FIR in question. To buttress his arguments, learned counsel for the petitioner has relied upon the contents of the FIR itself relevant whereof reads as under:

'I suspect that my wife, with her own consent and will, has gone somewhere with Ajay Dutt s/o Satish Dutt r/o Kalwan and the missing report of which may be registered and my wife be recovered. SD Amit Kumar.'

Learned counsel for the petitioner has further submitted that on or around 8.1.2024, the victim as also the petitioner (herein) have filed a protection petition before this Court vide CRWP No.382 of 2024, prayer made wherein reads as under:

'It is therefore respectfully prayed that the present petition may kindly be allowed and directions may kindly be issued to the official respondents to protect the life and personal liberty of the petitioner by providing adequate security/police protection to the petitioner and her friend Ajay Dutt and also directing the respondent No.4 to 16 not to interfere in the personal life and liberty of the petitioner or to harass them in any manner. It is also prayed that official respondents may kindly be directed to decide the representation dated 6.1.2024 (Annexure P-2) during the pendency of the instant petition.'

Learned counsel for the petitioner has further relied upon of live-in relationship deed (copy whereof has been appended as Annexure P-7 with the instant petition) dated 25.3.2024 to argue that there was a live-in relationship between the petitioner and the victim which turned



sour later on & it is on this account the FIR in question got registered against the petitioner. Thus, regular bail is prayed for.

4. Learned State counsel 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 the regular bail. Learned State counsel seeks to place on record custody certificate dated 25.8.2024 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 2.3.2024, wherein after investigation was carried out and challan was presented on 26.4.2024. Total 22 prosecution witnesses have been cited out of which only one has been examined till date. The rival contention of learned counsel for the parties; as to whether there was consensual relationship between the petitioner and the victim which turned sour later on & on which account the petitioner was falsely implicated into the FIR in question, the weightage required to be attached to the protection petition (CRWP No.382 of 2024 filed by the petitioner and the victim before this Court) as also the live-in relationship deed dated 5.1.2024; 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 25.8.2024 filed by learned State counsel, the petitioner has already suffered incarceration



for a period of 5 months and 22 days. Further, as per this custody certificate, the petitioner is shown to be involved in another FIR No.100 of 2022 under Sections 147, 148, 149, 186, 283, 294, 341 and 353 of IPC, registered at Police Station Garhi, Jind, in which the petitioner is stated to be on bail. The factum of the petitioner being involved in any other FIR, will by itself, be not construed as sufficient to decline the concession of regular bail to the petitioner in the FIR in question.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of present 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/Illaqa 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.

(SUMEET GOEL)
JUDGE

27.8.2024
Ashwani

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