

(289)

Date of Decision : 04.09.2024

...Petitioners

Versus

...Respondent

Present: Mr. H.P.S. Ishar, Advocate
for the petitioners.

Mr. Bhupinder Singh, DAG, Haryana.

Mr. Naresh Kumar Ganga, Advocate
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition filed under Section 483 of BNSS, 2023, the petitioners prays for grant of regular bail in case FIR No.211 dated 06.05.2024 under Section 365 IPC, registered at Police Station Pinjore, District Panchkula, Haryana.

2. Learned counsel for the petitioners submits that in the instant FIR, the petitioners were arrested on 07.05.2024. The prosecution's case as set up by the complainant-Phool Chand, on the allegations that the petitioners Gurdev Singh and Manjit Kaur, along with two other co-accused namely, Sonu Singh and Veerpal Kaur kidnapped five years old grandson of the complainant namely, Daksh, who was subsequently recovered from the custody of the petitioners on dated 07.05.2024, from Kartarpur Sahib.

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3. It is the case of the prosecution that the son of the complainant, Rajan was having a love affair with Jyoti, who is a daughter of petitioner-Manjit Kaur. On 06.05.2024, at about 7.30 a.m., Jyoti came to the house of the complainant, and thereafter, Rajan and Jyoti left for unknown place. Thereafter, mother of Jyoti i.e. Manjit Kaur, maternal uncle Gurdev Singh (present petitioners), and sister of Jyoti came to house of the complainant in a private vehicle being driven by a driver, who was sitting in the car itself. Thereafter, Gurdev Singh (petitioner No.2) asked the complainant to call Jyoti and Rajan, so that they can talk with them, but Rajan and Jyoti did not come. This infuriated Manjit Kaur (petitioner No.1), and she then picked up grandson of the complainant, and took him along with her to a place somewhere in Kartarpur Sahib, from where they were arrested along with the kidnapped minor child.

4. Learned counsel for the petitioners praying for relief of regular bail would submit that in fact Jyoti, daughter of Manjit Kaur, was in a relationship with Rajan, son of the complainant, and they were planning to marry. However, they could not solemnize the marriage as one of the petitioners i.e. Manjit Kaur was not ready to marry her daughter with Rajan. This led to the dispute between the petitioners and the complainant, which resulted in the registration of the instant FIR. Learned counsel finally submitted that in fact, now, the matter has been amicably settled between the parties concerned and a separate petition bearing number CRM-M-30989-2024 has been filed before this Court seeking quashing of the instant FIR, on the basis of compromise arrived at between the parties.

5. Mr. Naresh Kumar Ganga, Advocate has caused appearance on behalf of the complainant-Phool Chand and has validly executed his



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vakalatnama in his favour, and admitted the factum of compromise, and submitted that he has no objection in case, both the petitioners are extended the relief of regular bail.

6. Learned State counsel on instructions imparted to him from the Investigating Officer concerned, submitted that both the petitioners were arrested on dated 07.05.2024, but the challan has not been filed yet.

7. This Court has heard the rival submission of the parties concerned and is of the view that the instant petition is amenable to be allowed for the reasons hereinabove extracted :-

(i) In the instance case the child was recovered hale and hearty from the custody of the present petitioners and no harm whatsoever has been caused to the minor child. It is not a case of kidnapping for the purpose of ransom, rather the dispute arose because of the reason that the petitioner No.1, Manjit Kaur do not want her daughter to solemnize marriage with son of the complainant i.e. Rajan;

(ii) The petitioners have suffered incarceration of about four months, as on date;

(iii) and the trial is yet to begin in the instant matter.

8. The matter is now compromised between the parties and a petition for quashing of the instant FIR is pending consideration before this Court, therefore, further incarceration of the petitioners is not warranted at all, at this stage. Accordingly, the instant petition is **allowed**.

9. The petitioners are ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.

10. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

September 04, 2024
Manpreet

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