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

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**CRM-M-47347 of 2024
DATE OF DECISION :- 26.09.2024**

Danial Masih

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Rohiteshwar Singh, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case bearing FIR No.92 dated 01.09.2024, registered for the offences punishable under Sections 137(2) and 87 of BNS at Police Station Sadar Gurdaspur, District Gurdaspur.
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 Harjit Singh son of Harbans Singh, resident of Alisher, Police Station Sadar Gurdaspur aged about 46 years. Mobile No. 9855805622 stated that I am resident of the above said residence and doing service as Priest (Pathi) in Dhani Singh Gurudwara Sahib, Bhikowal, District Hoshiarpur. I have 2 daughters, the name of elder one is Manpreet Kaur and name of younger one is Puneet Kaur. The date of Birth of my elder daughter Manpreet Kaur is 26.11.2006 and was studying in class 10+2 from Senior Secondary School Joura Chatran. On 13.08.2024 at about 07.30 AM she went to school JouraChatran but did not return home. I alongwith relatives searched my daughter Manpreet Kaur but could not trace her till. Now we



came to know that my daughter Manpreet Kaur daughter of Manjit Singh had been enticed away by one boy from my village namely John Masih son of Darshan Masih Kaku resident of Alisher and in this act his mother Neelam wife of Darshan Masih and his brother Danial Masih son of Darshan Masih Kaku resident of Alisher helped John Masih. An appropriate legal action be entitled against them, statement written and correct Sd/ Harjit Singh, attested Sd/ Bikram Singh ASI Police Post JauraChatran, Police Gurdaspur, dated 01.09.2024.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 03.09.2024. Learned counsel has further submitted that, *assuming arguendo*, the case set up in the FIR is taken to be true, the only allegation made against the petitioner is that he has helped his brother namely John Masih to elope with the victim. Learned counsel for the petitioner has further argued submitted that the said brother of the petitioner namely John Masih had a relationship with the victim and on this accord a joint protection petition (CRWP No. 8658 of 2024) was also filed before this Court which was disposed of vide order dated 06.09.2024 and the victim was thereafter lodged in safety home/Nari Niketan. 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 25.09.2024 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.

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6. The petitioner was arrested on 03.09.2024. The prime role prescribed to the petitioner in the FIR is that he is the brother of the main accused namely John Masih who had eloped with the victim. The rival contention of learned counsel for the parties; as to whether the brother of the petitioner (herein) had eloped with the victim out of their free will; 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 25.09.2024 filed by learned State counsel, the petitioner has suffered incarceration of 20 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.



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- (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/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

26.09.2024
P.Singh

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