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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47879-2024 (O&M)

Date of Decision: 30.09.2024

AMAN SINGH

.. Petitioner

Vs.

STATE OF PUNJAB AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Prabhjot S. Waraich, Advocate for the petitioner.

Mr. Yuvraj Singh Tiwana, Asstt. A.G., Punjab.

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.0221 dated 12.12.2023, registered for the offences punishable under Sections 363, 366-A and 120-B of IPC and Section 4 of POCSO Act, 2012 and (Section 376 of IPC added later on) at Police Station Bhawanigarh, Sangrur.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

"Statement of Sonia w/o Late Makhan Singh resident of Village village Bhawanigarh, District Sangrur, aged 35 years, mobile no. 77174-23756. I am resident of above mentioned address and i am a house maker. I got married to Makhan Singh s/o Karnail Singh resident of Village Majhi about 18 years back. My husband Makhan Singh got expired in 2016 and we have 2 children. My elder Son name is T.....J Singh aged about 16 years and one minor daughetr P...R aged 14 years whose date of birth is 22.05.2009. My daughter studies in Government senior secondary school Majhi in 10 class. On 0312.2023 my daughter was at home because of Sunday holiday. I took my mother in law namely Charanjit Kaur w/o Karnail Singh for doctor visit at village Gulab Valian Channa, district Barnala and my daughter was alone at home. When we reached-back-home at 08:00 pm we saw that all the doors of



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our house are open and my daughter was missing from house and we started searching for my daughter and then we came to know that Aman Singh s/o Tehal Singh r/o village Agol, Tehsil Nabha) district Patiala enticed my daughter for marriage and took her away and his mother Gurjant Kaur is also involved in this because Gurjant Kaur came to my house few months back and gave us a proposal for marrying my daughter with her son Aman Singh but i refused them because my daughter is a minor. I searched my daughter but could not find her and today i came to PS along with my brother in law Darshan Singh s/o Bant Singh r/o village Batariana. I request you to take legal action against Aman Singh and his mother Gurjant Kaur.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 12.12.2023. Learned counsel for the petitioner has submitted that there was consensual friendship between the petitioner and the victim which was not to the liking of the family of the victim & hence the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further submitted that a perusal of the FIR would reveal that the prosecution story, as put forth in the FIR, reflects that the mother of the petitioner had in fact gone to the family of the victim with a proposal for marrying the petitioner and the victim but the same could not materialize. Learned counsel for the petitioner has further argued that the petitioner is a young man aged 22 years with no criminal antecedents. Thus, regular bail is prayed for.

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.

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

6. The petitioner was arrested on 12.12.2023 whereinafter investigation was carried out & challan was presented on 05.02.2024. Total

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but of course, take its own time. The rival contention of the learned counsel for the parties; as to whether there was consensual friendship between the petitioner and the victim and as to whether the same was to the liking of the family of the victim or not as also the veracity of the factum of the mother of the petitioner approaching the family of the victim for having marriage performed between the petitioner and the victim; 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 remaining prosecution evidence. As per the custody certificate dated 29.09.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 09 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 present case.

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.

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- (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.

30.09.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No