



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
204

CRM-M-48890-2024
Date of Decision: 04.10.2024

Major SinghPetitioner
Versus
State of Punjab Respondent

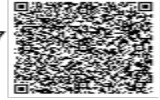
CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Chakitan Vikram Shekher, Advocate for
Mr. Yajur Sharma, Advocate for the petitioner.
Ms. Aakanksha Gupta, A.A.G., Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present Second Petition under 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of Regular Bail to the petitioner in case FIR No.163 dated 29.06.2024 (Annexure P-1) under Section 363, 364, 506, 120-B of IPC 1860 & Section 4 of Protection of Children from Sexual Offences Act 2012 (POCSO) registered at Police Station Jandiala, District Amritsar Rural (Sections 364 of IPC & Section 4 of POCSO Act deleted & Section 366 of IPC added later on during investigation).

Learned counsel for the petitioner *inter alia* submits that the present FIR (Annexure P-1) has been registered on the basis of the statement of the mother of the alleged victim, wherein it has been alleged that the petitioner had hatched a conspiracy alongwith main accused Harpreet Singh @ Happy to abduct the daughter of the complainant. It is contended that as per the FIR, the victim had gone missing on 26.06.2024. The petitioner is the father of the main accused i.e. Harpreet



Singh @ Happy. The petitioner has no role to play in the present FIR and has been falsely implicated. Moreover, the victim is 17 years and 10 months of age on the date of alleged incident i.e. 26.06.2024 (wrongly typed as 26.06.2026). However, FIR has been registered on 29.06.2024 after unexplained delay of 3 days. The victim has given an affidavit dated 28.08.2024 (Annexure P-2), wherein she has categorically stated that she wants to live with the main accused i.e. Harpreet Singh @ Happy; that her mother/complainant has got registered the present FIR on the false and frivolous grounds; and three accused named in the present FIR i.e. Harpreet Singh @ Happy S/o Major Singh, Major Singh S/o Aroor Singh and Karan Singh S/o Sajjan Singh have no role to play.

Learned counsel further submits that offence under Section 4 of the POCSO Act and Section 364 IPC have been deleted from the present FIR.

Learned counsel for the petitioner further submits that the petitioner has been in custody since 30.06.2024 as undertrial. No useful purpose would be served by further detention of the petitioner in custody. Thus, it is prayed that the present petition may be allowed and the petitioner be released on regular bail.

Learned counsel for the State opposes prayer made on behalf of the petitioner; and on instructions from ASI Victor Singh, informs that the victim is yet to be recovered. Moreover, the petitioner is the master mind in the planning of abduction. Learned counsel, on instructions again, informs that challan in the present case has been filed on 28.08.2024 against the petitioner and his co-accused; charges have been

framed on 11.09.2024 under Sections 120-B, 363 and 366-A IPC; and out of total 9 witnesses, none has been examined so far.

Learned counsel for the State files custody certificate dated 03.10.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 03 months and 02 days.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case including: a) the custody period of 03 months and 02 days undergone by the petitioner as an undertrial; b) no other case is pending against the petitioner as evident from the custody certificate placed on record; and c) out of total 9 witnesses, none has been examined so far and, therefore, the conclusion of trial will take considerable time and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed**.

The petitioner-Major Singh S/o Aroor Singh, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

04.10.2024

Divyanshi

Whether speaking/reasoned:

Whether reportable:

(NIDHI GUPTA)

JUDGE

Yes/No

Yes/No