



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
208

CRM-M-49221-2024 (O&M)

Date of Decision: 04.10.2024

Gurmeet

....Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Pooja Jaglan, Advocate for the petitioner.

Ms. Deepshikha Chauhan, A.A.G., Haryana.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under section 439 of Code of Criminal Procedure for grant of Regular bail to petitioner in case FIR No. 0010 dated 16.01.2024 registered under Section 328, 365, 376-D, 506 IPC (Section 346 IPC deleted) registered at Police Station Panipat Sadar, Panipat (Annexure P-1).

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 father of the victim and reads as follows:

“On dated 16.01.2024, complainant came present in police station and moved a compliant averring therein that the victim, aged 18 years 5 months, date of birth being 03.07.2005, used to visit Malhotra Computer Centre, Bishan Swaroop colony for learning computer. On 16.01.2024 at about 10.00 AM, the daughter of complainant went to computer centre, and she had not come back. The physical description of the victim and clothes worn by her is given in



the complaint and prayer for searching her was made. On the complaint, formal FIR under section 346 IPC was lodged in police station Panipat sadar.”

It is submitted that initially only a missing person FIR was registered by the complainant as the victim had gone missing on 16.01.2024. The petitioner was not named therein. The name of the petitioner came into the picture in the statement made by the victim under Section 164 Cr.P.C. (Annexure P-4) wherein it is alleged that the petitioner alongwith co-accused Yash had forcefully made the victim sit in the Auto Rikshaw in which main accused Jagdish was waiting. Learned counsel submits that the petitioner has no role to play in the present case. The allegations are patently false, as it is borne out from the fact that as per CCTV footage dated 21.01.2024 of the hotel where only the main accused Jagdish @ Satish was seen with the victim, and the petitioner was not present. Learned counsel also points out that as per the zimni order dated 01.08.2024 passed by learned Additional Sessions Judge (FTC), Panipat (Annexure P-6), the victim and the complainant both are not appearing before the learned trial Court, and as such bailable warrants have been issued against them.

Learned counsel for the petitioner further submits that the petitioner has been in custody since 20.01.2024 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 SI Suresh Kumar, informs that



definite role has been attributed to the petitioner as he had facilitated in the commission of crime. It is submitted that 3 accused were named in the present case i.e. main accused Jagdish @ Satish, Yash @ Nepali and Gurmeet the present petitioner. The victim in her statement under Section 164 Cr.P.C. has also supported the prosecution case

Learned counsel for the State, further informs that there are 28 witnesses in the present case, out of which only 1 formal witness 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 8 months and 11 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 8 months and 11 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 28 witnesses, 1 formal witness 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-Gurmeet S/o Jai Bhagwan, 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.

Pending application, if any, stands disposed of.

04.10.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No