



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

204

**CRM-M No.52987 of 2024
Date of decision : 29.10.2024**

Arshdeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amit Kumar Saini, Advocate, for the petitioner

Mr. Anup Singh, AAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.66 dated 23.5.2024, under Sections 363, 366-A of the IPC (Sections 120-B and 201 of the IPC added subsequently), registered at Police Station Machhiwara Sahib, Police District Khanna, District Ludhiana.
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 Bishan Dass son of Ranjit Ram, Resident of Village Rahimabad Kalan, Police Station Machhiwara Sahib, District Ludhiana aged about 35 years, Mobile no.94631- 85295, stated that I am the respondent of abovesaid address and do the work of agriculture, I have three children two sons and one daughter namely Suneha aged about 15 years (15.12.2008), that my daughter Suneha studies in 9th class in Harjas Public School Charaudi. Due to holidays in school, my daughter was at home, I and my wife had gone to bring medicine for my elder son then I



received phone call from home that today from around 11 AM, Suneha is not at home and I came back home and after come home, we and my family continued searching Suneha here and there and then we came to know that my daughter Suneha has been enticed away by Arshdeep Singh son of Satnam Singh resident of Milkowal, Police Station Machiwara Sahib, District Ludhiana under the pretext of marriage, against whom appropriate action be taken. You have met me at Gate Gani Khan Nabi Khan, Machhiwara Sahib, appropriate action be taken against him. Statement has been got recorded, is heard, is correct. Sd/- Bishan Dass, attested Sd/- Sanjeev Kumar ASI, Poilce Station Machhiwara Sahib, dated 23.05.2024.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 25.5.2024. Learned counsel has further argued that the petitioner is a young man aged about 20 years with no criminal antecedents. Learned counsel has further iterated 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 the statement made by the victim under Section 164 Cr.P.C. thereby making certain allegations against the petitioner have been made under the pressure of family of the victim. Hence regular bail is prayed for.

4. Learned State counsel has opposed the present petition by 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 28.10.2024 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.

6. The petitioner was arrested on 25.5.2024 whereinafter investigation was carried out and challan was presented on 10.7.2024. Total 12 prosecution witnesses have been cited and none has been examined till date. The rival contention of learned counsel for the parties; whether there was consensual friendship between the petitioner and the victim, whether such consensual friendship was not to the liking of the family of the victim and it is on this account the petitioner has been falsely implicated into the FIR in question & as to whether the statement has been made by the victim under Section 164 Cr.P.C. on account of family pressure; 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 28.10.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about five months and 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.
- (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/Illaqa 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.

(SUMEET GOEL)
JUDGE

29.10.2024
Ashwani

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