



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

217

CRM-M-51565 of 2024

DATE OF DECISION :- 24.10.2024

Paramjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. A.S. Khosa, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.35 dated 23.04.2024, registered for the offences punishable under Sections 376, 323, 34 of IPC at Police Station Lakho Ke Behram, District Ferozepur.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“Rapat no 32 dated 20-08-2022 S:B Gurkanwal jit Kaur 853/FZR, self-entry Statement (verification) this time is recoded that Me ASI went along with fellow employees through rapat no 19. After recoding the statement of Rani w/o Mukhtiar Singh r/o Dona Mattad about MLR No. 625/RB/CHC/MDT/22 dated 18-02-22 at civil hospital Mamdot, came back at police station. The statement is mentioned below, statement of Bimla Rani s/o Mukhtair Singh r/o Dona Mattar Gajni aged 35 years mobile no 94637-93266 police station Lakho Ke behram. Stated that I am resident of above said address that me and my husband both doing labor. I have three kids' elder boy Lakhwinder Singh aged 18 years, younger girl Monika aged 16



years and youngest one Kajal aged 13 years. On 15-08-2022 my kids were not at home, who went to the house of my sister-in-law namely Shiro w/o Bhajan Singh r/o Lalchia. Me and my husband after had dinner slept at our house. About 11:30 PM I feel stomach ace I went out of the house for to go to the toilet without waking up my husband. When I reached near platform made at Babe di kutti at distance of 2 killas away from the house, then two persons fell on me from behind due to that I fell on the ground. Due to the fall, I received injuries on my left leg, foot and ankle and on left knee also got injured and also received simple injuries on legs. One unknown person holds my arms and kept his hand on my mouth. Second person Paramjit Singh s/o Mukhtair Singh r/o Dona Mattad forcibly committed rape. I fell down unconscious and when regain conscious I was alone there, slowly I reached at my house and wake up my husband and told him about the incident. On next day he got admitted me at civil hospital Mamdot for treatment. Statement recoded to you heard it is correct action is be taken. Bimla Rani above RTI Bimla Rani verified Gurkanwaljit Kaur ASI PS Lakho ke behram dated 22-08-2022 police proceedings- toady Me ASI present at police station that Head Munshi noted me that Bimla Rani w/o Mukhtair Singh r/o Dona mattar (Gajni wala) admitted at civil hospital Mamdot. Conduct the investigation after get the MLR from PS Mamdot, due to this I ASI along with ASI Atma Singh no 1360/FZR, HC Harbans Lal No 1491/FZR on Government vehicle went to civil hospital Mamdot for investigation. Me ASI along with fellow employees got the MLR no 625/RB/CHC/MDT/22 of Bimla Rani from PS Mamdot and reached at civil hospital Mamdot near the bed of above Bimla rani on her bed, who was taking with his husband Mukhtair Singh, who recoded her statement to me, that written and read word by word, who accepted the statement correct and mark right thumb impression. From the statement and MLR the offence falls u/s 376, 323, 34 IPC. But the matter looks like that



the statement recoded by above Bimla devi is on instructions of her husband Mukhtair Singh due to that matter is Suspicious.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 24.07.2024. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question on account of a dispute between the petitioner and the victim/family of the victim, who live in close neighbourhood. Learned counsel for the petitioner has further argued that the offence is alleged to have taken place on 15.08.2022 but the FIR came to be registered by the police on 23.04.2024 since the allegation levelled by the complainant was found to be suspicious in nature. 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 23.10.2024 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 24.07.2024 whereinafter investigation was carried out and challan stands presented on 18.10.2024. Total 15 prosecution witnesses have been cited and culmination of trial, but of course, will take its own time. The rival contention of learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question, whether there was any dispute between the petitioner and the victim/family of the victim & the complainant having been made on August, 2022 but the FIR subsequently having been registered on



23.04.2024; 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. The petitioner is a young man aged 29 years with no criminal antecedents. As per custody certificate dated 23.10.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about 02 months and 27 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.
- (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

24.10.2024
P.Singh

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