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

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**CRM-M-51845 of 2024
DATE OF DECISION :- 28.10.2024**

Manjit Singh @ Mannu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Chandan Singh Rana, Advocate for the petitioner.

Mr. Yuvraj Singh Tiwana, 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.44 dated 28.05.2023, registered for the offences punishable under Sections 363/366-A of IPC at Police Station Sudhar, 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 Gurveer Kaur W/O Jagroop Singh R/O Budhel aged about 36 years mob no. 62848-28158. stated that I am resident of the said address and do housework. I have two children, my eldest daughter is Harmandeep kaur, who is aged about 16 years. My son namely Satnam Singh who is younger than her. My daughter has passed 10th class. On Dated 20-5-2023 I and my son went to someone's house at village Budhel for my work and my daughter Harmandeep kaur was alone in the house, when we returned back to home from work, my daughter was not at home, since that day, I searched her in my relatives and religious place but she did not find any where. I am fully sure about Mannu S/O Dilavar Singh R/O Kadar

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Baksh police station Sidhwan Bet, District Ludhiana has kidnapped my daughter for getting marriage. Appropriate action should be taken against Mannu son of Dilavar Singh R/O kadar Baksh. I will bring my daughter's birth certificate and present it to you. I have written a statement to you. Statement correct/- Gurveer Kaur verification correct Gurmeet Singh ASI police station dated 28/05/2023.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 30.03.2024. Learned counsel has further argued that there was consensual friendship between the petitioner and the victim which was not to the liking of the family of the victim and thus the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further argued that the victim did not make any inculpatory statement against the petitioner when her statement was recorded under Section 164 of Cr.P.C and rather she stated that she had gone along with the petitioner willingly. Learned counsel for the petitioner has thus argued that offence of Section 363/366A of the IPC is not made out against the petitioner from the factual matrix of the lis as also held by the Hon'ble Supreme Court in the case of ***S. Varadarajan v. State of Madras (SC) 1965 AIR Supreme Court 942***. 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 27.10.2024 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.

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6. The petitioner was arrested on 30.03.2024 whereinafter investigation was carried out and challan stands presented on 20.06.2024. Total 11 prosecution witnesses have been cited and culmination of the trial, but of course, will take its own time. The rival contention of learned counsel for the parties; as to whether there was consensual friendship between the petitioner and the victim which was not to the liking of the family of the victim, the cause (if any) for false implication of the petitioner into the FIR in question, the weightage required to be attached to the statement of the victim made under Section 164 of Cr.P.C as also whether the factual matrix of the case in hand to attract the offences under Section 363/366A of the IPC; 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 27.10.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 06 months and 27 days. As per the said custody certificate, the petitioner is said to be involved in other FIR(s) also. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in

Maulana Mohd. Amir Rashadi vs. State of U.P. and another, 2012(1)

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R.C.R. (Criminal) 586; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das vs. State, 1998(2) R.C.R. (Criminal) 477*** & judgments of this Court in ***CRM-M-38822-2021*** titled as ***Akhilesh Singh vs. State of Haryana***, decided on 29.11.2021 and ***Balraj vs. State of Haryana, 1998(3) R.C.R. (Criminal) 191***.

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



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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

28.10.2024
P.Singh

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